FEDERAL REGISTER

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Washington, Saturday, November 27, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-87, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN KALAMAZOO, MICH., SALES AREA

Pursuant to the authority vested in the Director by Food Distribution Order No. 79, dated September 7, 1943 (8 F.R. 12426), as amended, and to effectuate the purposes thereof, Food Distribution Order No. 79-87, § 1401.120, relative to the conservation of fluid milk in the Kalamazoo, Michigan, milk sales area (8 F.R. 14725), issued by the Director of Food Distribution on October 28, 1943, is amended as follows:

The milk sales area described in § 1401.120 (b) of the original order is modified in the following particulars: Add the following: "Sections 25 to 36 inclusive in Cooper Township, sections 1 to 18 inclusive in Portage Township, and sections 23 to 26 inclusive and sections 35 and 36 in Oshtemo Township, all in Kalamazoo County, Michigan."

Effective date. This amendment of FDO No. 79-87, shall become effective at 12:01 a. m., e. w. t., December 1, 1943.

(E.O. 9280, 8 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 24th day of November 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-18879; Filed, November 24, 1943; 1:47 p. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

[Regs., Series 3]

REVISION OF CHAPTER

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following Rules and Regulations—Series 3—(General Rules and Regulations), which it finds necessary to carry out the provisions of said act. Said Rules and Regulations—Series 3—shall become effective upon the signature of the original by members of the Board and upon the publication thereof in the FEDERAL REGISTER, and shall supersede the Rules and Regulations—Series 2—as amended (General Rules and Regulations) signed by the Board on November 5, 1942, and all amendments to said Series 2, as amended, subsequently signed by the Board. Said Series 2, as amended, and all subsequent amendments thereto are hereby rescinded. These Rules and Regulations—Series 3—(General Rules and Regulations) shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

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FEDERAL REGISTER

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CONTENTS—Continued

AUTHORITY: §§ 201.1 to 201.6, inclusive, issued under sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156.

§ 201.1 *Terms defined in section 2 of the act.* The terms "person," "employer," "employee," "representatives," labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used herein, shall have the meanings set forth in section 2 of the National Labor Relations Act, a copy of which act is appended hereto.

§ 201.2 *Act; Board.* The term "act" as used herein shall mean the National Labor Relations Act, and the term "Board" shall mean the National Labor Relations Board.

§ 201.3 *Region.* The term "region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region.

§ 201.4 *Regional director.* The term "regional director" as used herein shall mean the agent designated by the Board as regional director for a particular region.

§ 201.5 *Trial examiner.* The term "trial examiner" as used herein shall mean the Board, its member, agent, or agency conducting the hearing.

§ 201.6 *State.* The term "State" as used herein shall include all States, Territories, and possessions of the United States and the District of Columbia.

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

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AUTHORITY: §§ 202.1 to 202.38, inclusive, issued under sec. 6 (a), 49 Stat. 452; 20 U.S.C. 156.

CHARGE

§ 202.1 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization. A charge may be withdrawn only with the consent of the regional director with whom such charge was filed or of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the regional director issuing the complaint, by the trial examiner designated to conduct the hearing, or by the Board.

§ 202.2 *Where to file.* Except as provided in § 202.36, such charge shall be filed with the regional director for the region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the regional director for any of such regions.

§ 202.3 *Form; jurat.* Such charge shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of such charge shall be filed.[1]

§ 202.4 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person or labor organization making the charge.

(b) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(c) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

COMPLAINT

§ 202.5 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the regional director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon the respondent and the person or labor organization making the charge (hereinafter referred to as the "parties") a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a trial examiner at a place therein fixed and at a time not less than ten days after the service of the complaint. A copy of the charge upon which the complaint is based shall be attached to the complaint.

Whenever the complaint contains allegations under section 8 (2) of the act, any labor organization referred to in such allegations shall be duly served with a copy of the complaint and notice of hearing. Whenever any labor organization, not the subject of section 8 (2) allegation in the complaint, is a party to any contract with the respondent the legality of which is put in issue by any allegation of the complaint, such labor organization shall be made a party to the proceeding.

§ 202.6 *Hearing; extension.* Upon his own motion or upon proper cause shown by any of the parties the regional director issuing the complaint may extend the date of such hearing.

§ 202.7 *Amendment.* Any such complaint may be amended upon such terms as may be deemed just; prior to the hearing, by the regional director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 202.32, upon motion, by the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 202.32 at any time prior to the issuance of an order based thereon, by the Board.

[1] A blank form for making a charge will be supplied by the regional director upon request.

§ 202.8 *Withdrawal.* Any such complaint may be withdrawn before the hearing by the regional director on his own motion.

§ 202.9 *Review by Board of refusal to issue.* If, after the charge has been filed, the regional director declines to issue a complaint, the person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

ANSWER

§ 202.10 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall have the right, within ten days from the service of the complaint, to file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless the respondent shall state in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

§ 202.11 *Where to file; form; jurat; service upon other parties.* The answer shall be filed with the regional director issuing the complaint. It shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent. The respondent shall file three additional copies of the answer. Immediately upon filing his answer the respondent shall serve a copy thereof upon each of the other parties.

§ 202.12 *Extension of time for filing.* Upon his own motion or upon proper cause shown by the respondent the regional director issuing the complaint may by written order extend the time within which the answer shall be filed.

§ 202.13 *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the trial examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the trial examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the trial examiner or the Board.

MOTIONS

§ 202.14 *Motions; where to file prior to hearing and during hearing; contents; service on other parties.* All motions made prior to the hearing shall

be filed in writing with the regional director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and four additional copies of all such motions. Immediately upon the filing of such motion, the moving party shall serve a copy thereof upon each of the other parties. All motions made at the hearing (except motions to intervene, as provided in § 202.19) shall be made in writing to the trial examiner or stated orally on the record.

§ 202.15 *Rulings on motions; where to file motion after hearing and before transfer of case to Board.* The trial examiner designated to conduct the hearing shall rule upon all motions (except as provided in §§ 202.6, 202.12, 202.19, and 202.34). The trial examiner may, before the hearing, rule on motions filed prior to the hearing, and shall file his ruling, and any order in connection therewith, with the regional director issuing the complaint. The regional director shall cause copies thereof to be served upon the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 202.32, shall be filed with the trial examiner by filing with the Chief Trial Examiner in Washington, D. C., and a copy thereof shall be served upon each of the parties. Rulings by the trial examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing and filed with the regional director, who shall cause a copy of the same to be served upon each of the parties, or shall be contained in the intermediate report. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 202.36, the Board shall rule on such motion.

§ 202.16 *Motions; rulings and orders part of record; rulings not to be appealed directly to Board without special permission.* All motions, rulings, and orders shall become part of the record. Rulings by the regional director and by the trial examiner on motions, and by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception is taken to the rulings or order when made and included in the statement of exceptions filed with the Board, pursuant to § 202.33.

§ 202.17 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the trial examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the regional director and serving copies upon the parties. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be considered closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.

§ 202.18 *Filing of answer or other participation in proceeding not a waiver of rights.* The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the trial examiner or the Board.

INTERVENTION

§ 202.19 *Intervention; requisites; rulings on motions to intervene.* Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing setting out the grounds upon which such person or organization claims to be interested. Prior to the hearing such motion shall be filed with the regional director issuing the complaint; during the hearing such motion shall be filed with the trial examiner. The original of such motion shall be signed and sworn to by the person or labor organization filing the motion, and shall be accompanied by four additional copies. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The regional director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said ruling to be served upon each of the parties, or shall refer the motion to the trial examiner for ruling. The trial examiner shall rule upon all such motions filed at the hearing or referred to him by the regional director, in the manner set forth in § 202.15. The regional director or the trial examiner, as the case may be, may by order permit intervention in person or by counsel to such extent and upon such terms as he shall deem just.

WITNESSES, DEPOSITIONS, AND SUBPENAS

§ 202.20 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good cause shown, after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the regional director prior to the hearing, to the trial examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to §§ 202.32 or 202.36. Such application shall be served upon the regional director or the trial examiner, as the case may be, and upon the other parties, not less than seven days (when the deposition is taken within the continental United States) and fifteen days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The regional director or trial examiner, as the case may be, shall, upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time when, the place where, and shall contain a designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all parties by the regional director or the trial examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary of Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the regional director or the trial examiner, care of the Chief Trial Examiner, Washington, D. C., as the case may be.

(d) The trial examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when

so taken may be used like other depositions.

§ 202.21 *Issuance of subpenas; requisites of application for.* Any member of the Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for subpenas may be filed by any party prior to the hearing with the regional director. The regional director may grant or deny the application, or may refer it to the trial examiner, who may thereafter grant or deny the application. Application for subpenas made during the hearing shall be made to the trial examiner who may grant or deny the application. Such applications shall be timely, and shall specify the name of the witness and the nature of the facts to be proved by him, and, if calling for documents, must specify the same with such particularity as will enable them to be identified for purposes of production.

§ 202.22 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the trial examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

HEARING

§ 202.23 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a trial examiner designated by the Board or the Chief Trial Examiner. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. Such hearings shall be public, unless otherwise ordered by the trial examiner.

§ 202.24 *Duty of trial examiner; powers of Board counsel and trial examiners.* It shall be the duty of the trial examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. Counsel for the Board, and the trial examiner, shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

§ 202.25 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

§ 202.26 *Rules of evidence not controlling.* In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

§ 202.27 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 202.28 *Objection to conduct of hearing; how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 202.29 *Filing of briefs with trial examiner and oral argument at hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the trial examiner so directs. Any party shall be entitled, upon request made at or before the close of the hearing, to file a brief with the trial examiner, who may fix the time for such filing.

§ 202.30 *Continuance and adjournment.* In the discretion of the trial examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the trial examiner, or by other appropriate notice. The Chief Trial Examiner may, at any time prior to the service of the intermediate report, upon appropriate notice to the parties, direct that the hearing be reopened.

§ 202.31 *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a trial examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the trial examiner, be ground for the striking out of all testimony previously given by such witness on related matters.

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

§ 202.32 *Intermediate report; contents; service; transfer of case to Board.* After a hearing for the purpose of taking evidence upon a complaint, the trial examiner shall prepare an intermediate report. Such report shall contain (a) findings of fact, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation for such affirmative action by the respondent as will effectuate the policies of the act. The intermediate report shall be transmitted to the Chief Trial Examiner, who shall thereupon file the original of the intermediate report with the Board, and cause a copy thereof to be served upon each of the parties. Upon the filing of the intermediate report, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon each of the parties and the regional director.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the intermediate report and exceptions, shall constitute the record in the case.

EXCEPTIONS TO THE RECORD AND PROCEEDING

§ 202.33 *Exceptions; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exception.* Within fifteen days from the date of the entry of the order transferring the case to the Board, pursuant to § 202.32, any party or counsel for the Board may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the intermediate report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief, the party or counsel for the Board filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the regional director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the entry of the order transferring the case to the Board (or in Board cases the date of filing the intermediate report) pursuant to § 202.32. The Board shall notify the parties of the time and place for oral argument, if such permission is granted.

§ 202.34 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board, pursuant to § 202.32, shall be filed with the Board in Washington, D. C., by transmitting an original and three copies thereof and serving additional copies upon the regional director and upon each of the parties.

PROCEDURE BEFORE THE BOARD

§ 202.35 *Action of Board upon expiration of time to file exceptions to inter-*

mediate report; oral arguments before and filing of briefs with Board; action of Board where trial examiner finds no unfair labor practices and no exceptions filed; reopening of record. Upon the expiration of the period for filing a statement of exceptions and brief, as provided in § 202.33, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other agent or agency, or may close the case upon compliance with the recommendations of the intermediate report, or may make other disposition of the case.

Where the trial examiner has found in his intermediate report that the respondent has not engaged in and is not engaging in any of the alleged unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions as provided for in § 202.33, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this section.

§ 202.36 *Proceedings before Board; filing charges with Board; transfer of charge and proceeding from region to Board or to another region; consolidation of proceedings in same region; severance.* Whenever the Board deems it necessary in order to effectuate the purposes of the act, it may permit a charge to be filed with it in Washington, D. C., or may, at any time after a charge has been filed with a regional director pursuant to § 202.2, order that such charge, and any proceeding which may have been instituted in respect thereto:

(a) Be transferred to and continued before it, for the purpose of consolidation with any other proceeding which may have been instituted by the Board, or for any other purpose; or

(b) Be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other region, or for any other purposes,

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 202.3 to 202.31, inclusive, shall, insofar as applicable, apply to proceedings before the Board pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of §§ 202.3 to 202.35, inclusive, shall apply to such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made.

§ 202.37 *Procedure before the Board in cases over which it has assumed jurisdiction.* After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with § 202.36, the Board may:

(a) Direct that the trial examiner prepare an intermediate report, in which case the provisions of §§ 202.32 to 202.35, inclusive, shall insofar as applicable govern subsequent procedure, and the powers granted to regional directors in such provisions shall for the purpose of this section be reserved to and exercised by the Board; or

(b) Reopen the record and receive further evidence before a member of the Board, or other agent or agency; or

(c) Issue proposed findings of fact, proposed conclusions of law, and proposed order; or

(d) Make other disposition of the case.

Within fifteen days from the date of filing the intermediate report pursuant to paragraph (a) of this section, or from the date of issuance of proposed findings of fact, proposed conclusions of law, and proposed order, pursuant to paragraph (c) of this section, any party or counsel for the Board may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the intermediate report, or to the proposed findings, conclusions, and order, as the case may be, or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief the party or counsel for the Board filing the same shall serve copies with the regional director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the intermediate report or the date of the proposed findings, conclusions, and order, as the case may be. The Board shall notify the parties of the time and place for the oral argument, if such permission is granted. Thereafter the Board shall forthwith decide the matter or make other disposition of the case.

§ 202.38 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter the Board may proceed pursuant to § 202.36 or 202.37, or make any other disposition of the case.

PART 203—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

Sec.

AUTHORITY: §§ 203.1 to 203.13, inclusive, issued under sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156.

§ 203.1 *Who may file; where to file; withdrawal of petition; form; jurat.* A petition to investigate and certify under section 9 (c) of the act the name or names of representatives designated or selected for the purpose of collective bargaining may be filed by an employee or any person or labor organization acting on behalf of employees, or by an employer. Prior to the hearing thereon, pursuant to §§ 203.3 and 203.6, a petition may be withdrawn only with the consent of the Board or of the regional director with whom such petition was filed. During the hearing, and thereafter, a petition may be withdrawn only with the consent of the Board. Whenever the Board or the regional director approves the withdrawal of any petition the case shall be closed. Except as provided in § 203.11, such petition shall be filed with the regional director for the region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more regions, with the regional director for any of such regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three copies of the petition shall be filed.[3]

§ 203.2 *Same; contents.* (a) Such petition, when filed by an employee or any person or labor organization acting on behalf of employees, shall contain the following:

(1) The name and address of the petitioner.

[3] Blank forms for filing such petitions will be supplied by the regional director upon request.

(2) The name and address of the employer or employers involved and the general nature of their business.

(3) A brief statement setting forth the nature of the question affecting commerce that has arisen concerning the representation of employees.

(4) Any other relevant facts.

(b) Such petition, when filed by an employer shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of petitioner's business.

(3) A brief statement setting forth that a question or controversy affecting commerce has arisen concerning the representation of employees in that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the unit or units claimed to be appropriate.

(4) Any other relevant facts.

§ 203.3 *Same; investigation by regional director; definition of parties; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if it appears to the regional director that an investigation should be instituted he shall institute such investigation by issuing a notice of hearing, provided that the regional director shall not institute an investigation on a petition filed by an employer unless it appears to the regional director that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate. The regional director shall prepare and cause to be served upon the petitioners and upon the employer or employers involved (all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing upon the question of representation before a trial examiner at a time and place fixed therein, provided that when the petition is filed by an employer the regional director shall serve the notice of hearing on the employer petitioner and on the labor organizations named in the petition (all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be withdrawn before the hearing by the regional director on his own motion.

§ 203.4 *Appeals to Board by petitioner from action of regional director.* If, after a petition has been filed, the regional director declines to institute an investigation, the employee, person, labor organization, or employer filing the petition may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 203.5 *Same; motions; interventions; witnesses; subpenas.* All matters relating to motions, intervention, witnesses, and subpenas shall be governed by the provisions of §§ 202.14 to 202.22, inclusive, of this chapter insofar as applicable, except that the references to "the regional director issuing the complaint" shall for the purposes of this part mean the regional director issuing the notice of hearing, and references to the "complaint" shall for the purposes of this part mean the petition. Motions to dismiss petitions, if made prior to the hearing, shall be filed with the regional director, and if made during the hearing, with the trial examiner, and shall be referred to the Board for appropriate action.

§ 203.6 *Conduct of hearing.* The hearing upon the question of representation shall be conducted by a trial examiner designated by the Board or the Chief Trial Examiner, and shall be open to the public unless otherwise ordered by the trial examiner. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. It shall be the duty of the trial examiner to inquire fully into the question of representation. Counsel for the Board, and the trial examiner, shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence.

§ 203.7 *Introduction of evidence and rights of parties at hearing.* The introduction of evidence at the hearing and the rights of the parties shall be governed by §§ 202.25, 202.26, 202.27, 202.28, 202.30, and 202.31 of this chapter insofar as applicable.

§ 203.8 *Record; what constitutes; transmission to Board.* Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 203.9 *Proceeding before Board; briefs; further hearing; direction of election; certification of representatives.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to direct a secret ballot of the employees in order to complete the investigation, or to certify to the parties the name or names of the representatives that have been designated or selected, or to make other disposition of the matter. Should any party desire to file a brief with the Board, the original and three copies thereof shall be filed with the Board at Washington, D. C., within seven days after the close of the hearing. Immediately upon such filing, the party filing the same shall serve a copy thereof upon each of the other parties.

§ 203.10 *Election procedure; tally of the ballots; objections; report on challenged ballots; report on objections; exceptions; action of Board; hearing; contents of record.* Where the Board determines that a secret ballot should be taken, it shall direct an election to be conducted under the supervision of a designated agent upon such terms as it may specify. Upon the conclusion of such election, the designated agent shall cause to be furnished to the parties a tally of the ballots. Within five (5) days thereafter, the parties may file with the designated agent an original and three copies of objections to the conduct of the election or conduct affecting the results of the election. Copies thereof shall be served upon each of the other parties by the party filing such objections.

If no such objections are filed within five (5) days after the conclusion of the election, and if the challenged ballots are insufficient in number to affect the result of the election, the designated agent shall forthwith forward to the Board in Washington, D. C., the tally of the ballots which, together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.

If objections are filed to the conduct of the election or conduct affecting the results of the election or if the challenged ballots are sufficient in number to affect the result, the designated agent shall investigate the issues raised by such objections, challenges, or both, and shall prepare and serve upon the parties a report on the challenged ballots, objections, or both, including his recommendations, which report, together with the tally of the ballots, he shall forward to the Board in Washington, D. C. Within five (5) days from the date of the report on challenged ballots, objections, or both, the parties may file with the Board in Washington, D. C., an original and three copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the designated agent. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other disposition of the case.

The report on challenged ballots shall be consolidated with the report on objections in appropriate cases.

If exceptions are duly filed, either to the report on challenged ballots, objections, or both if it be a consolidated report, or to conduct affecting the results of the election and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material issues, the Board may direct the designated agent or other agent of the Board to is-

sue, and cause to be served upon the parties, a notice of hearing on said exceptions before a trial examiner, designated by the Board or the Chief Trial Examiner. The hearing shall be conducted in accordance with the provisions of §§ 203.5, 203.6 and 203.7, insofar as applicable. Upon the close of the hearing, the agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the objections to the conduct of the election or conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to § 203.9.

§ 203.11 *Run-off elections.* (a) The agent designated pursuant to the provisions of § 203.10 to conduct the election, shall conduct a run-off election, without further order of the Board, when the results in the election are inconclusive because no choice on the ballot in the election received a majority of the valid ballots cast and when no objections are filed as provided in § 203.10: *Provided,* That a written request by any representative entitled to appear on the run-off ballot pursuant to this section is submitted to him within ten days after the date of the election. Only one run-off election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the run-off election shall be eligible to vote in a run-off election.

(c) The ballot in the run-off election shall provide for a selection between the two choices that received the largest and the second largest number of valid votes cast in the election, except as provided in this paragraph.

(1) In the event the number of votes cast for "neither" in an inconclusive election in which the ballot provided for a choice among two representatives and "neither" is less than the number cast for one representative, but more than or equal to the number cast for the other representative, or if the votes are equally divided among the three choices, the run-off ballot shall provide for a choice between the two representatives.

(2) In the event the number of votes cast for "none" in an inconclusive election, in which the ballot provided for a choice among three or more representatives and "none," is equal to the number cast for the representative with the largest number of votes, or is less than the number cast for the representative with the largest number of votes but more than or the same as the number cast for the representative with the second largest number of votes as among representatives, or is the same as the number cast for each of the two highest representatives, the run-off ballot shall provide for a choice between the two representatives.

(3) In the event the number of votes cast for "none" in an inconclusive election, in which the ballot provided for a choice among three or more representatives and "none," is less than the number cast for the representative with the largest number of votes and more than the number cast for any other representative but an equal number of votes is cast for each of two or more such other representatives, the run-off ballot shall provide for a choice among the three or more representatives: *Provided, however,* That in the event such run-off election is inconclusive no further run-off shall be conducted.

(4) No representative shall be accorded a place on the run-off ballot unless that representative received at least twenty percent of the valid votes cast in the election.

(d) Upon the conclusion of the run-off election, the agent who conducted the run-off election, the parties, and the Board shall proceed pursuant to § 203.10, insofar as possible.

§ 203.12 *Hearing waived by stipulation; consent election agreements; consent cross-check agreements.* After a petition has been filed and it appears to the regional director that an investigation should be instituted, the parties and any known individuals or labor organizations representing a substantial number of the employees involved may, nevertheless, with the approval of the regional director, by stipulation, waive a hearing and in lieu thereof enter into an agreement determining the appropriate unit, the time and place of holding the election, and the pay roll to be used in determining what employees within the appropriate unit shall be eligible to vote. The method of conducting such election and the post election procedure shall be consistent with that followed by the regional director in conducting elections directed by the Board and with §§ 203.10 and 203.11.

After a petition has been filed and it appears to the regional director that an investigation should be instituted, the parties and any known individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the regional director, enter into a consent election agreement or consent cross-check agreement leading to a statement by the regional director of the facts ascertained after such consent election or cross check but not resulting in a certification by the Board under section 9 (c) of the act. Such agreement shall include a determination of the appropriate unit, the time and place of holding the election, and the pay roll to be used in determining what employees within the appropriate unit shall be eligible to vote or to be counted. Such consent election or consent cross-check shall be conducted under the direction and supervision of the regional director.

The method of conducting such consent election shall be consistent with the method followed by the regional director in conducting elections directed by the Board, pursuant to § 203.9, except that the rulings of the regional director shall be final, and the statement by the regional director of the results thereof shall be final. The method of conducting such consent cross check shall be set forth in the consent cross-check agreement. The rulings of the regional director on all matters shall be final, and the statement by the regional director of the results thereof shall be final.

§ 203.13 *Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from region to Board or to another region; consolidation of proceedings in same region; severance; procedure before Board in cases over which it has assumed jurisdiction.* Whenever the Board deems it necessary in order to effectuate the purposes of the act, it may:

(a) Permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under section 9 (c) of the act, or direct a regional director, or other agent or agency to conduct such an investigation; or

(b) Upon its own motion conduct, or direct any member, regional director, or other agent or agency to conduct an investigation under section 9 (c) of the act; or

(c) At any time after a petition has been filed with a regional director pursuant to § 203.1, order that such petition and any proceeding which may have been instituted in respect thereto:

(1) Be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) Be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same region; or

(3) Be transferred to and continued in any other region, for the purpose of consolidation with any proceeding which may have been instituted in such other region, or for any other purpose,

(4) Be served from any other proceeding with which it may have been consolidated.

The provisions of this part shall insofar as applicable, apply to proceedings conducted pursuant to paragraphs (a), (b), and (c) (1) of this section, and the powers granted to the regional director in such provisions shall for the purpose of this section be reserved to and exercised by the Board, or by the regional director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to paragraph (c) (3) of this section, the provisions of this part shall apply to such proceedings as if the petition had originally been filed in the region to which the transfer is made.

PART 204—DESIGNATION OF REGIONAL DIRECTORS, EXAMINERS, AND ATTORNEYS AS AGENTS OF THE BOARD

Sec.
204.1 Powers and duties of regional directors.
204.2 Powers and duties of examiners.
204.3 Powers and duties of attorneys.
204.4 Special designation of agents.

AUTHORITY: §§ 204.1 to 204.4, inclusive, issued under sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156.

§ 204.1 *Powers and duties of regional directors.* All regional directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with section 5 of the act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigations, in accordance with section 9 (c) of the act.

(c) To issue and cause to be served complaints, to amend complaints, and to conduct hearings upon such complaints, in accordance with section 10 (b) of the act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with section 11 (1) of the act.

§ 204.2 *Powers and duties of examiners.* All examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with section 5 of the act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) in accordance with section 9 (c) of the act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with section 11 (1) of the act.

§ 204.3 *Powers and duties of attorneys.* All attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with section 5 of the act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with section 9 (c) of the act.

(c) To amend complaints issued under section 10 (b) of the act and to conduct hearings upon complaints issued in accordance with section 10 (b) of the act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with section 11 (1) of the Act.

§ 204.4 *Special designation of agents.* The foregoing designations shall not be construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the act.

PART 205—SERVICE OF PAPERS

Sec.
205.1 Service of process and papers; proof of service.
205.2 Same; by parties; proof of service.

AUTHORITY: §§ 205.1 and 205.2 issued under sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156.

§ 205.1 *Service of process and papers; proof of service.* Complaints, orders, and other process and papers of the Board, its member, agent or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

§ 205.2 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

PART 206—CERTIFICATION AND SIGNATURE OF DOCUMENTS

Sec.
206.1 Certification of paper and documents.
206.2 Signatures of orders and complaints.

AUTHORITY: §§ 206.1 and 206.2 issued under sec. 6 (a), 49 Stat. 452; 29 U. S. C., 156.

§ 206.1 *Certification of papers and documents.* The Chief of the Order Section, or in the event of his absence or disability whosoever may be designated by the Board in his place and stead, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 206.2 *Signatures of orders and complaints.* The Chief of the Order Section, or in the event of his absence or disability whosoever may be designated by the Board in his place and stead, is hereby authorized to sign all orders of the Board, and sign and issue all complaints authorized to be issued by the Board.

PART 207—RECORDS AND INFORMATION

Sec.
207.1 Files, records, etc. in exclusive custody of Board and not subject to inspection; formal documents subject to inspection.
207.2 Same; Board employees prohibited from producing files, records, etc. pursuant to subpena duces tecum, prohibited from testifying in regard thereto.

AUTHORITY: §§ 207.1 and 207.2 issued under sec. 6 (a), 49 Stat. 452; 29 U.S.C. 156.

§ 207.1 *Files, records, etc. in exclusive custody of Board and not subject to inspection; formal documents subject to inspection.* All files, documents, reports, memoranda, and records, and the contents thereof, whether in the regional offices of the Board or in its principal office in the District of Columbia, are in the exclusive control and custody of the Board for the purpose of administering and effectuating the policies of the act; and are confidential and not subject to inspection or examination except that the formal documents described as the record in the case or proceeding and defined in §§ 202.32, 203.8 and 203.10 of this chapter, shall be open to inspection and examination during usual business hours, within the appropriate offices of the Board, and true and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need.

§ 207.2 *Same; Board employees prohibited from producing files, records, etc. pursuant to subpena duces tecum, prohibited from testifying in regard thereto.* No regional director, examiner, trial examiner, attorney, specially designated agent, member of the Board or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before any Board, Commission, or other administrative agency of the United States or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, subpena duces tecum or otherwise without the written consent of the Board or the Chairman of the Board. Whenever any subpena or subpena duces tecum calling for records or testimony as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the Chairman of the Board, appear in answer thereto and respectfully decline by reason of this rule to produce or present such files, documents, reports, memoranda or records of the Board or to give such testimony.

PART 208—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

Sec.
208.1 Prohibition of practice before Board of its former regional employees in cases pending in region during employment.
208.2 Same; application to former employees of Washington staff.

AUTHORITY: §§ 208.1 and 208.2 issued under sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156.

§ 208.1 *Prohibition of practice before Board of its former regional employees in cases pending in region during employment.* No person who has been an employee of the Board and attached to any of its regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any regional of-

fice to which he was attached during the time of his employment with the Board.

§ 208.2 *Same; application to former employees of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any of the regional offices during the time of his employment with the Board.

PART 209—CONSTRUCTION OF RULES

§ 209.1 *Rules to be liberally construed.* These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the act. (Sec. 6 (a), 49 Stat. 452; 29 U.S.C. 156)

PART 210—ENFORCEMENT OF CERTAIN RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

§ 210.1 *Enforcement of rights, privileges and immunities granted or guaranteed under section 222 (f), Communications Act of 1934, as amended, to employees of merged telegraph carriers.* All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of §§ 201.1 to 201.6, inclusive §§ 202.1 to 202.38, inclusive, §§ 204.1 to 204.4, inclusive, §§ 205.1 and 205.2, §§ 206.1 and 206.2, §§ 207.1 and 207.2, §§ 208.1 and 208.2, § 209.1, and § 211.1, of this chapter, insofar as applicable, except that reference in §§ 202.1 to 202.38 inclusive to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this section mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended. (Sec. 6 (a), 49 Stat. 452; 29 U.S.C. 156; 57 Stat. 5; Pub. Law 4; 78th Cong.)

PART 211—AMENDMENTS

§ 211.1 *Amendment or rescission of rules.* Any rule or regulation may be amended or rescinded by the Board at any time. (Sec. 6 (a), 49 Stat. 452; 26 U.S.C. 156.)

Signed at Washington, D. C., this 8th day of November 1943.

[SEAL] H. A. MILLIS, *Chairman.*
GERARD D. REILLY, *Member.*
JOHN M. HOUSTON, *Member.*

[F. R. Doc. 43-18977; Filed, November 26, 1943; 10:06 a. m.]

Chapter IX—War Food Administrator (Agricultural Labor)

PART 1106—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF FLORIDA

WORKERS ENGAGED IN HARVESTING OF CITRUS FRUIT

§ 1106.1 *Public Notice with respect to wages of workers engaged in the harvesting of citrus fruits in the State of Florida.* Pursuant to the authority contained in the act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Pub. Law 34, 78th Cong.); Executive Order 9250 of October 3, 1942 (7 F.R. 7671); Executive Order 9328 of April 8, 1943 (8 F.R. 4681); the regulations of the Director of the Office of Economic Stabilization, dated August 28, 1943 (8 F.R. 11960), and based upon relevant facts submitted by the Florida USDA Wage Board, and obtained from other sources, it is hereby determined that:

(a) *Area, crop and classes of workers.* Persons engaged in the picking of grapefruit, oranges and tangerines, in the loading of "bunch" or "goat" trucks in grapefruit, orange and tangerine groves; and in driving "bunch" or "goat" trucks in grapefruit, orange or tangerine groves in the State of Florida, are agricultural labor, as defined in § 4001.1 (1) of the regulations of the Director of the Office of Economic Stabilization, issued on August 28, 1943 (8 F.R. 11960).

(b) *Wage rates.* No increases in the wages paid the agricultural labor described in paragraph (a) hereof shall be made in excess of the maximum rates set forth below without the approval of the War Food Administrator under the procedure provided for herein.

(1) Maximum rates for picking tangerines, oranges and grapefruit.

(i) For picking tangerines, 30 cents per standard field box.

(ii) For picking seedling oranges, 25 cents per standard field box.

(iii) For picking oranges from canopy type budded orange trees, requiring use of ladder 30 feet or more in length, 25 cents per standard field box.

(iv) For picking budded oranges, 15 cents per standard field box.

(v) For picking grapefruit, 8 cents per standard field box.

(vi) For picking grapefruit and loading in truck in bulk in grove, 8 cents per standard field box or equivalent measure or weight.

Provided, That in cases of sparse crops, where the trees are large enough to require the use of a ladder for picking and the yield on the entire grove or portions of the grove consisting of solid blocks of trees and covering five or more acres is less than 40 field boxes per acre, a wage rate not to exceed 75 cents per hour may be paid for picking tangerines, oranges or grapefruit on such grove or portion of grove, in lieu of the piece rates set forth above, if the employer has advised the Chairman of the Florida USDA Wage Board of his intention to use this alternative rate, prior to the commencing of picking, and shall have made proper showing to said Chairman, that the foregoing conditions exist.

(2) Maximum wage rates for loading tangerines, oranges, grapefruit.

Loaders, including customary distribution and picking up of empty boxes, 70 cents per hour, or 1 cent per box.

(3) Maximum Wage Rates for driving "bunch" or "goat" trucks in the groves.

"Bunch" or "goat" truck drivers 60 cents per hour.

(c) *Applications for adjustments.* Any appeals for relief from hardships resulting from this determination and any applications for adjustment in such wages shall be filed by the employer or employee with the Florida USDA Wage Board of the United States Department of Agriculture, c/o L. H. Kramer, Chairman, Lake Wales, Florida, which Board, after conducting such investigation as may be required and reviewing such applications or appeals, shall have the authority to make such determinations as are consistent with the intent of this order. Three members of the Board shall constitute a quorum to act upon such applications and appeals. The Board shall forward a copy of all of its rulings on such applications and appeals to the War Food Administrator. Each such ruling of the Board shall be final, subject only to the War Food Administrator's right of review on his own initiative. Any reversal or modification of such ruling by the War Food Administrator shall take effect from the date of its issuance: *Provided, however,* That if a ruling denying an application for permission to make a wage increase is overruled, the final ruling by the War Food Administrator shall incorporate the effective date of the adjustment.

(d) *Delegation of authority.* (1) The Florida USDA Wage Board of the United States Department of Agriculture, hereinafter called the Board, is hereby authorized to act on behalf of the War Food Administrator, hereinafter called the Administrator, to conduct hearings, in accordance with the procedure set forth in paragraph (e) for the purpose of making findings of fact and recommendations with respect to alleged violations of this determination and public notice.

(2) Three members of the Board shall constitute a quorum for the purpose of conducting such hearings and the chairman of the Board, or a temporary chairman in the absence of the regular chairman, shall act as presiding officer at the hearings, administer oaths and affirmations, and rule on motions, requests, and on the admission and exclusion of evidence.

(e) *Procedure*—(1) *Preliminary investigation.* Preliminary investigations of alleged unlawful wage or salary payments shall be made by representatives of the Administrator. Each such re-

port of investigation shall be submitted to the Regional Attorney, United States Department of Agriculture, for consideration. He shall forward the report, with his recommendations, to the Board. If, after consideration of the report and the recommendations the Board is of the opinion that there is reasonable cause to believe that a violation has occurred, the Board shall request the alleged violator to appear at a hearing before the Board.

(2) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (i) the time and place of the hearing, (ii) a concise statement of the allegations of fact which constitute a basis for the proceeding, (iii) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge, and (iv) a statement informing the alleged violator that failure to appear will not preclude the Board from taking testimony, receiving proof and making findings and recommendations with respect to the charges.

(3) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(4) *Findings and recommendations.* Upon conclusion of the hearing, if a majority of the Board is satisfied that the charge has been sustained by a preponderance of the evidence, it shall find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the concurring members of the Board and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of this determination and public notice. A copy of such determination shall be served by registered mail on the alleged violator.

(5) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings.

(6) *Transmittal of determination to other Government agencies.* If a petition for reconsideration is not filed within the period stated above, or if a petition for reconsideration is filed and the Administrator affirms his original determination, he shall forward his determination to the violator, to the Commissioner of Internal Revenue, and, in appropriate cases, to the Attorney General for consideration of criminal prosecution.

(f) *Effect of unlawful payments*—(1) *Amounts disregarded.* In any case where the Administrator determines, under the procedure set forth herein, that a salary or wage payment has been increased in contravention of this determination and public notice, the amount of the salary or wage paid or accrued at the increased rate, shall be disregarded by all executive departments and all other agencies of the Government for the purposes of:

(i) Determining costs or expenses of the employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(ii) Calculating deductions under the revenue laws of the United States; or

(iii) Determining costs or expenses under any contract made by or on behalf of the United States.

(2) *Criminal penalties.* Any person, whether an employer or an employee, who wilfully violates any provision of this determination and public notice, shall, upon conviction thereof, be subject to a fine of not more than $1,000.00, or to imprisonment for not more than one year, or to both such fine and imprisonment.

(g) *Further delegations of authority by the Administrator.* Any or all functions, powers, or duties reserved to the Administrator by these regulations may be delegated by the Administrator to such other person or persons as he may designate.

(56 Stat. 765, 50 U.S.C. app. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization; §§ 4001.1 to 4001.21 inc., 8 F.R. 11960)

Issued this 25th day of November 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-18975; Filed, November 25, 1943; 3:10 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare, Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 123]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designation assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Electrical machinery and apparatus:		
Batteries, dry, multiple cell (report flashlight batteries under Schedule B No. 7016.00)	7017.00	-------
Batteries, dry, multiple cell for hearing aids	7017.00	K
Batteries, dry, multiple cell, other	7017.00	62
Beverages:		
Rum	1714.00	None
Whiskey	1716.00	None
Other distilled liquors and compounds containing spirits (include brandy, gin, cordials, liqueurs, and bitters) (report alcohols in 8310.00-8315.98)	1719.00	None

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

With respect to those commodities listed herein under the heading "Beverages" this amendment shall become effective December 2, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

NOVEMBER 20, 1943.

[F. R. Doc. 43-18987; Filed, November 26, 1943; 10:44 a. m.]

[Amdt. 124]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801. 2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Naval Stores:		
Gum spirits of turpentine	2114.00	K
Gum rosin	2110.00	K
Wood rosin	2111.00	K
Tar and pitch of wood (include "B wood rosin")	2118.00	K
Other terpene hydrocarbons derived from naval stores	2116.10	K
Wood turpentine (include sulphate wood turpentine)	2115.10	K

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

NOVEMBER 24, 1943.

[F. R. Doc. 43-18988; Filed, November 26, 1943; 10:44 a. m.]

[Amdt. 122]

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Part 802 General Licenses is hereby amended by assigning to the general licenses granted in § 802.11 *Personal baggage* the general license designation "Baggage"; by assigning to the general licenses granted in § 802.13 *Ship and plane stores, supplies and equipment* the general license designation "Ship Stores" when commodities are carried by sea vessels, and the general license designation "Plane Stores" when commodities are carried by plane; by assigning to the general licenses granted in § 802.14 *Metal drums and containers* the general license designation "G-MDC"; by assigning to the general license granted in § 802.15 *Re-exportation of machinery or parts* the general license designation "G-MEX"; and by assigning to the general license granted in § 802.18 *Exportations from Canal Zone to Republic of Panama for repair or processing and return* the general license designation "G-PAN".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-18986; Filed, November 26, 1943; 10:44 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 9, as Amended Nov. 26, 1943 [1]]

COPPER WIRE FOR RETAIL DEALERS

§ 3175.9 *CMP Regulation No. 9*—(a) *What this regulation does.* This regulation tells how retailers get copper wire for retail sale. Copper wire mills and copper warehouses are required to fill orders placed under this regulation in the same way as orders from persons who have copper allotments under the Controlled Materials Plan.

(b) *What retailers can buy copper wire under this regulation.* Hardware stores, department stores, general stores and others who sell copper wire to the general public may buy it under this regulation. Copper warehouses may not buy copper wire under this regulation. "Copper warehouses" are industrial suppliers, mill suppliers, plumbing supply houses, electrical wholesalers or other persons engaged in the business of distributing copper wire mill products to industry or trade.

(c) *What copper wire is covered.* This regulation applies to all bare or insulated wire or cable for electrical conduction made from copper.

(d) *How retailers can buy copper wire.* A retailer who wants to buy copper wire may place an order with any supplier. If a retailer wants to buy copper wire under this regulation he should put on his order the following certification:

> CMP allotment symbol V-3—The undersigned certifies subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that he is a retailer entitled under CMP Regulation No. 9 to buy the copper wire covered by this order.

An order bearing this certification, signed manually or as described in Priorities Regulation No. 7, is an authorized controlled material order under all CMP regulations, and must be recognized as such and treated accordingly by the person receiving it.

(e) *How much copper wire may be bought.* (1) Any retailer who was in a business on August 1, 1943 which would ordinarily sell copper wire to the general public may order for delivery in any calendar quarter up to $50 worth of wire under this regulation. If he needs more, he should determine as accurately as practicable the dollar value of the copper wire which he sold as a retailer during 1941. He may buy under this regulation up to one-sixteenth of that amount in any quarter if this comes to more than $50. If it does not, he may buy up to $50 regardless of his sales in 1941. Not more than 20% of the copper wire which a retailer has the right to buy may be heater cord, lamp cord and stranded flexible cord.

(2) A retailer who has more than one store may compute the amount of copper he is allowed to buy under this regulation either on the basis of the total sales of all his stores in 1941, or on the basis of each outlet's total sales in 1941, depending on whether he purchases centrally, or separately for each outlet.

(3) A retailer who ordinarily sells copper wire, but who bought no copper wire in 1941 may not buy more than $50 worth a quarter under this regulation, and a retailer who was not in business on August 1, 1943 may not buy any copper wire under this regulation, unless the War Production Board gives permission to do so. Any retailer who wants to buy more copper wire than this regulation allows, or who is not allowed to buy copper wire under this regulation, may apply by letter to his local War Production Board Field Office.

(f) *Retailers may sell copper wire free of ratings.* (1) A retailer may sell copper wire which was acquired under provisions of this regulation to any person without restriction unless he knows or has reason to know that the customer will be violating an order or regulation of the War Production Board in receiving the wire or using it for the purposes for which he is buying it. A retailer need pay no attention to preference ratings (except AAA) in selling copper wire and may also disregard authorized controlled material orders. However, he must fill orders supported by farmers' certificates as provided in Priorities Regulation No. 19.

(2) Since it is the purpose of this regulation to provide copper wire to meet the minimum repair needs of the general public, retailers are requested not to sell copper wire to persons who have received allotments under the Controlled Materials Plan, who are listed in Schedules I or II of CMP Regulation No. 5 or who are otherwise entitled to place authorized controlled material orders with warehouses or wire mills, except in cases where the purchaser needs such small quantities that it is not practicable to get them from warehouses or wire mills. A retailer may fill an order for copper wire from a farmer which is accompanied by a "Farmer's Copper Wire Allotment Certificate" but if he replaces the wire in his inventory, he must use the Allotment Certificate.

[1] Former paragraph (c) deleted; former paragraphs (d), (e), (f), (g) redesignated (c), (d), (e), (f); former paragraph (h), (j), (k) deleted and former paragraph (i) redesignated (g); new paragraph (h) added Nov. 26, 1943.

(g) *Restrictions on inventory.* A retailer may not accept delivery of any kind of copper wire bought under this regulation if his inventory of that kind of copper wire already is, or will be, on accepting the delivery, more than a thirty-day supply. However, if the supply of any kind of copper wire which a retailer has on hand is less than the permitted amount, he may accept delivery of the smallest standard package of that kind of copper wire even if as a result his supply will become larger than the amount specified.

(h) *Appeals to local WPB offices.* Any appeals under this regulation should be made to the retailer's nearest WPB field office.

Issued this 26th day of November 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-18993; Filed, November 26, 1943; 10:48 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 24,[1] Amdt. 1]

PACKAGED CHRISTMAS GIFTS

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Supplementary Order No. 24 is amended in the following respects:

1. Section 1305.28 (a) is amended by deleting the sentences: "This Supplementary Order No. 24 provides temporary rules for determining the maximum prices for sales at wholesale or retail of articles which have been 'specially packaged' for the 1942 Christmas season by the manufacturer, producer, processor, or fabricator (but not by any retailer or wholesaler). These rules shall not be applied to sales which take place after January 15, 1943." and adding in its place the sentences: "This Supplementary Order No. 24 provides temporary rules for determining maximum prices for sales at wholesale and retail of articles which have been 'specially packaged' for the 1943 Christmas season by the manufacturer, producer, processor, or fabricator (but not by any retailer or wholesaler). These rules shall not be applied to sales which take place after January 15, 1944."

2. Section 1305.28 (d) is amended to read as follows:

(d) This order shall not apply to any sales of "Nylon hosiery", either alone or in combination with other articles. This order also shall not apply to any sales of "packaged cosmetics." Maximum prices for sales of "packaged cosmetics" are established by Maximum Price Regulation 393.

3. Section 1305.28 (e) (7) is added to read as follows:

(7) "Packaged cosmetics" means a package, containing only packaged cosmetics, which is specially assembled for the Christmas season by the manufacturer of one or more of the packaged cosmetics contained therein in a manner substantially different than employed for any other selling season.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18971; Filed, November 25, 1943; 12:19 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132,[1] Amdt. 5]

WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 132 is amended in the following respects:

1. Section 1315.70 (a) (1) (iii) is amended by adding the following new sentence at the end thereof: The provisions of paragraph (c) of § 1315.72 shall apply to footwear covered by this subdivision (iii).

2. Section 1315.72 (c) is amended by designating the present text and headnote as subparagraph (1) and by adding a new headnote for paragraph (c) to read as follows: *Permitted deviations from these specifications.*

3. Section 1315.72 (c) (2) is added to read as follows:

(2) *Tolerance for items made of buna-S (GR-S).* A minus tolerance of 15 percent or 0.005, whichever is greater, is permitted on any compound gauges containing buna-S (GR-S), providing that such gauges shall not be reduced to less than 0.015 inch and that after such reduction the item of footwear will give fairly equivalent serviceability. The minimum weight of the item of footwear may be reduced by an amount equal to the reduction in the weight of the buna-S compound used as compared with the compound used before the change-over to buna-S.

4. Section 1315.72 (c) (3) is added to read as follows:

(3) *Other deviations for items made of buna-S (GR-S).* A manufacturer may deviate from these specifications on footwear made in part of buna-S (GR-S) to improve the serviceability of the footwear, or to avoid an impediment to production or distribution. If a manufacturer deviates from the specifications for any type of footwear made in part of buna-S (GR-S), he shall report to the Office of Price Administration, Washington, D. C., prior to delivery of such footwear, the exact nature of the departure from the specifications, the reasons therefor, and the anticipated period of such departure. If upon examination of the report submitted by the manufacturer, the Office of Price Administration determines that the departure does not improve the serviceability of the footwear, or does not avoid an impediment to production, the Office of Price Administration will notify the manufacturer that the footwear in question, after the date of notification, will not meet these minimum specifications.

5. Section 1315.72 (e) (8) is amended to read as follows:

(8) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.175 inch, but it shall be at least 0.190 inch if the filler sole is used without a binder sole.

6. Section 1315.72 (f) (12) is amended to read as follows:

(12) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.125 inch, but it shall be at at least 0.135 inch if the filler sole is used without a binder sole.

7. Section 1315.72 (g) (13) is amended to read as follows:

(13) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8875.

[1] 8 F.R. 12302, 14153.

of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.085 inch, but it shall be at least 0.095 inch if the filler sole is used without a binder sole.

8. Section 1315.72 (h) (5) is amended to read as follows:

(5) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.120 inch, but it shall be at least 0.130 inch if the filler sole is used without a binder sole.

9. Section 1315.72 (i) (3) is amended by adding the following new sentence immediately following the fourth sentence in subparagraph (3): The stiffening counter, either singly or in combination, may be omitted if a cotton fabric which weighs at least 5.0 ounces per square yard is used and is frictioned on both sides with friction compound.

10. Section 1315.72 (i) (6) is amended to read as follows:

(6) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, exclusive of the heel plug, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

11. Section 1315.72 (i) (10) is amended to read as follows:

(10) *Toe strip or foxing.*—The toe strip or the foxing shall be made of a compound which meets the minimum requirements for the soling compound and shall be at least the same gauge as the upper. Neither a toe strip nor a foxing need be used where the manufacturer's process makes allowances for either of them in the upper itself.

12. Section 1315.72 (j) (11) is amended to read as follows:

(11) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, exclusive of the heel plug, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

13. Section 1315.72 (k) (13) is amended to read as follows:

(13) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

14. Section 1315.72 (l) (12) is amended to read as follows:

(12) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18959; Filed, November 25, 1943; 12:20 p. m.]

PART 1389—APPAREL

[MPR 330,[1] Amdt. 2]

RETAILERS' AND WHOLESALERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 330 is amended in the following respects:

1. Section 1389.552 (a) is amended to read as follows:

(a) *Explanation of rules.* You find your ceiling price under this regulation by calculating the mark-up which you took on garments you delivered during the "base period", and then applying that mark-up to the cost of the garments you are pricing. You find what the "base period" mark-up is by using one of the pricing rules which are given in Sec. 1389.554. However, you are not permitted to sell any garment at a higher price than (1) the "highest price line" at which you delivered a garment of the same "category number" during the period which fixes your "highest price line" limitation or (2) the price line listed for that category number in Appendix C, whichever is higher. The "highest price line limitation" is explained in § 1389.553.

2. Section 1389.552 (c) is amended to read as follows:

(c) *What is the "base period."* The base period is very important because you must figure your mark-up from your deliveries of garments during that period.

(1) *For sales of toddlers' garments, or blouses under size 30, or slacks and slack suits.* (i) The "base period" for all garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b, and 32-39 is the period between August 1 and December 31, 1942

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2209, 4732.

for retailers and the period between July 1 and October 31, 1942 for wholesalers.

(ii) For retailers who made their first delivery of garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b or 32–39 after October 1, 1942 (September 1, 1942, for wholesalers) but before April 7, 1943, the "base period" is the first four months immediately following the first delivery of garments.

(2) *For sales of garments in all other category numbers.* (i) The "base period" for retailers is the period between August 1 and December 31, 1941; for wholesalers, the period between July 1 and October 31, 1941.

(ii) For retailers who made their first delivery of garments in these category numbers after October 1, 1941, but before April 7, 1943, and for wholesalers who made their first delivery of garments after September 1, 1941, but before April 7, 1943, the "base period" is the first four months immediately following the first delivery of garments.

(iii) For those mail order catalogue establishments making sales on the basis of orders received by mail, who printed their Spring 1942 catalogues prior to January 15, 1942, the base period is either March 1942 or the period between August 1 and December 31, 1941, whichever period was used in preparing their Fall 1943 catalogues.

3. Section 1389.553 is amended to read as follows:

§ 1389.553 *Explanation of "highest price line limitation."* (a) In order that consumers may continue to buy garments at customary price levels, this regulation provides a highest price line limitation, or an over-all ceiling rule, for each category number during each selling season. The rule is that during the Spring selling season you may not under any circumstances sell any garment for more than (1) the highest selling price line at which you delivered a garment of the same category number during March 1942, or (2) the price line listed for that category number in Appendix C, whichever is higher; and during the Fall selling season you may not under any circumstances sell any garment for more than (1) the highest selling price line at which you delivered a garment of the same category number either during your base period, or (2) during March 1942,[2] or (3) the price line listed for that category number in Appendix C, whichever is higher.

(b) However, in the case of any fur-lined coat which you purchased on or before August 7, 1943, there is an exception which permits you to sell for more than your highest price line limitation. But if you do so, you must use the exception to Rule 2 of § 1389.554 (c) in determining your ceiling prices.

[2] For purposes of this limitation, the prices authorized by any order granting an adjustment under the GMPR or under MPR 153, as amended, are considered to be prices of garments delivered during March 1942 or the base period. If the authorized price for a particular category number is higher than the highest price at which you actually delivered garments of that category number, it should be listed in Column F or G of your pricing chart.

(c) Mail order catalogue establishments (described in § 1389.552 (c) (2) (iii)) who use March 1942 as their base period for all garments except those in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b or 32–39, may use the period between August 1 and December 31, 1941 as the period which determines their highest price line limitations for such garments.

(d) If you did not deliver any garments of the same category number during the period which determines your highest price line limitation (March 1942 for the Spring selling season; the base period or March 1942, whichever is higher, for the Fall selling season), then your highest price line limitation is the same as that of your most closely competitive seller of the same class for a garment of that category number during that selling season. Moreover, if your base period does not include the 3-month period between October 1 and December 31 (for wholesalers, the 2-month period between September 1 and October 31), then your highest price line limitation during the Fall selling season is the same as that of your most closely competitive seller of the same class for the same category number during the Fall selling season.

4. Section 1389.554 (c) Rule 2 is amended by adding a paragraph following the first example to read as follows:

There is an exception to this rule, however, in the case of certain fur-lined coats which you purchased on or before August 7, 1943. If the cost price of these coats was such that you find that application of this rule results in a selling price higher than your highest price line limitation for that category number, you may add to the cost of the coat, the dollar markup permitted under Rule 1 for the highest cost price listed on your pricing chart for that category number, without regard for your highest price line limitation. This exception does not apply to purchases or reorders executed after August 7, 1943.

For example: You want to find your ceiling price for a woman's fur-lined coat (Category No. 1) which you purchased for $39.75 on July 22, 1943. The highest cost price listed on your pricing chart for women's coats is $29.75, which you may sell at $49.95, a markup of 40.5%. Your highest fall price line for women's coats is $55. Applying a markup of 40.5% to the $39.75 cost of your fur-lined coat, you would find a selling price of $66.81. However, since this selling price is higher than your highest price line, you must use the exception, and calculate the price of the fur-lined coat by adding to the cost ($39.75), the dollar markup ($49.95 − $29.75 = $20.20) permitted on your $29.75 coat. Your ceiling price is therefore $59.95 ($39.75 + $20.20 = $59.95).

5. Section 1389.554 (f) (1) is amended to read as follows:

(1) For the purpose of this regulation each separate department of a selling establishment shall be considered a separate seller. In addition, a basement or "downstairs" store shall be considered a different selling establishment from any other located on the same premises.

Example 1: During the base period a department store operated several dress departments in its upstairs store, carrying both women's and misses' dresses (Category Nos. 21 and 22 respectively) and also operated a women's dress department in its downstairs store. It also carried misses' dresses in a separate department in the downstairs store, but now wishes to sell misses' dresses in its downstairs women's dress department. The highest price line for misses' dresses in any of the upstairs departments is $79.50. The highest price line for misses' dresses in the downstairs misses' dress department is $5.98. Misses' dresses sold in the downstairs women's dress department must be priced by using the markup permitted in that department for women's dresses of the same cost price, but may not be sold for more than $5.98, the highest price line for misses' dresses in the downstairs store.

Example 2: During the base period, a department store operated several upstairs departments and a basement store on the same premises. It had 2 coat departments upstairs, but never operated a coat department in the basement. It now wishes to open a coat department in the basement. Since the basement store is not the same selling establishment as the upstairs store, the new basement coat department may not price under § 1389.554 (f) (3) and establish its markups and highest price lines on the basis of those permitted to the upstairs coat departments. Since the basement store did not deliver any coats during the base period, the new coat department must price under Rule 5 by selecting its most closely competitive seller of the same class.

6. Section 1389.559 (a) is amended by substituting the phrase "January 1, 1944" for the phrase "November 1, 1943" in the first sentence thereof.

7. Appendix A is amended by deleting the word "feminine" from paragraphs (a) and (c) thereof, and by amending the next to the last undesignated paragraph thereof, beginning with the words "Any seller" to read as follows:

Any seller (including a separate department described in paragraph (f) of § 1389.554) who sells the following pairs of size ranges and who customarily delivered garments of both size ranges at the same percentage markups, may, at his option, establish the same ceiling price for garments in each pair of size ranges having the same cost price:

(1) Women's and misses' or juniors' sizes

(2) Teen-age and girls' sizes

(3) Children's and toddlers' sizes

A seller who selects this option, must then, in preparing his pricing chart, combine garments in each pair of size ranges when calculating the selling price at which he delivered the largest number of garments of each cost price line during the base period.

For example: A department store operates a department which sells girls' and teen age coats and suits. It was the customary practice of this department to deliver girls' and teen age coats (Category Nos. 4 and 3 respectively) at the same percentage markups, and to deliver girls' and teen age suits (Category Nos. 9 and 8 respectively) at the same percentage markups. In calculating the selling price at which it delivered the largest number of coats of a particular cost price, the department may use the total number of girls' coats and of teen age coats of that cost price delivered during the base period, and may establish the same ceiling price for all girls' and teen age coats having the same cost price. Similarly, in calculating the ceiling prices of its girls' and teen age suits, the department may combine the number of garments sold in both category numbers, and may establish the same ceiling price for all girls' and teen age suits having the same cost price.

8. Appendix C is added to read as follows:

APPENDIX C—SELLING PRICE LINES AVAILABLE TO ALL SELLERS

Regardless of the highest selling price line at which you delivered garments during the period determining your highest price line limitation, you may deliver garments in the respective category numbers as follows:

(a) *For retailers.*

TABLE I—CATEGORIES THROUGH 20A AND 27 THROUGH 31

Category No.	Selling price line: Pile fabric, or fabric containing 25% or more wool	Selling price line: All fabrics other than pile fabric, or fabric containing 25% or more wool
1	$17.00	
2	17.00	
3	15.00	
4	11.00	
5	8.00	
5a	8.00	
6	17.00	
7	17.00	
8	15.00	
9	11.00	
10	10.00	
10a	6.00	
11	8.00	$3.00
12	8.00	3.00
13	8.00	3.00
14	6.00	3.00
15	5.00	2.00
15a	5.00	2.00
16	5.00	3.00
17	5.00	3.00
18	4.00	2.00
19	4.00	2.00
20	3.00	2.00
20a	3.00	2.00
27	8.00	
28	10.00	
29	10.00	
30	4.00	
31	5.00	

TABLE II—CATEGORIES 21 THROUGH 26B

Category No.	Selling price line: Cotton	Selling price line: All fabrics other than cotton
21	$2.00	$5.00
22	2.00	5.00
23	2.00	4.00
24	2.00	4.00
25	2.00	3.00
25a	2.00	2.00
26	3.00	3.00
26a	2.00	2.00
26b	1.50	1.50

(b) *For wholesalers.*

TABLE I—CATEGORIES 1 THROUGH 20A AND 27 THROUGH 31

Category No.	Selling price line: Pile fabric, or fabric containing 25% or more wool	Selling price line: All fabrics other than pile fabric, or fabric containing 25% or more wool
1	$10.75	
2	10.75	
3	8.75	
4	6.75	
5	4.75	
5a	4.75	
6	10.75	
7	10.75	
8	8.75	
9	6.75	
10	5.75	
10a	3.75	
11	4.75	$1.87½
12	4.75	1.87½
13	4.75	1.87½
14	3.75	1.87½
15	3.50	1.31¼
15a	3.50	1.31¼
16	3.50	1.87½
17	3.50	1.87½

TABLE I—CATEGORIES 1 THROUGH 20A AND 27 THROUGH 31—continued

Category No.	Selling price line: Pile fabric, or fabric containing 25% or more wool	Selling price line: All fabrics other than pile fabric, or fabric containing 25% or more wool
18	$2.50	$1.31¼
19	2.50	1.31¼
20	1.87½	1.31¼
20a	1.87½	1.31¼
27	4.75	
28	5.75	
29	5.75	
30	2.50	
31	3.50	

TABLE II—CATEGORIES 21 THROUGH 26B

Category No.	Selling price line: Cotton	Selling price line: All fabrics other than cotton
21	$1.31¼	$3.50
22	1.31¼	3.50
23	1.31¼	2.50
24	1.31¼	2.50
25	1.31¼	1.87½
25a	1.31¼	1.31¼
26	1.87½	1.87½
26a	1.31¼	1.31¼
26b	1.05	1.05

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–18957; Filed, November 25, 1943; 12:17 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11, Amdt. 7 to Supp. 1]

FUEL OIL RATIONING REGULATIONS

Supplement 1 to Ration Order No. 11 is amended in the following respects:

1. A new subparagraph (2) is added to § 1394.9101 (b) to read as follows:

(2) The value of one unit represented by coupons numbered "2" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "2" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "2" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred and fifty (250) gallons of fuel oil, respectively.

2. A new subparagraph (3) is added to § 1394.9101 (b) to read as follows:

(3) In zones D–1, A–2, B–2, and C–2 the value of one unit represented by coupons numbered "3" on Class 4 coupon sheets, and the value of five units represented by coupons numbered "3" on Class 5 coupon sheets, and the value of twenty-five units represented by coupons numbered "3" on Class 6 coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred and fifty (250) gallons of fuel oil, respectively.

Amendment No. 7 to Supplement No. 1 (§ 1394.9101) shall become effective on November 30, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1–O, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–18970; Filed, November 25, 1943; 12:21 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 8]

MAXIMUM PRICES IN THE VIRGIN ISLANDS OF THE UNITED STATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 395 is amended in the following respect:

In section 28 (a), the language following the figure "1.75" is deleted.

This amendment shall become effective November 26, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43–18960; Filed, November 25, 1943; 12:20 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 11]

FRESH FRUITS AND VEGETABLES FOR TABLE USE—SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Footnote 4 of paragraph (e) in Appendix G of section 15 is deleted and the following footnote 4 is substituted therefor:

[4] Sales by growers or shippers of five boxes of apples or less, each box having a net weight of not more than 26 pounds of fruit, in any one lot by parcel post, mail or express to any one consignee shall be exempt from the provisions of this regulation.

This amendment shall become effective November 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

Approved: November 18, 1943

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–18958; Filed, November 25, 1943; 12:19 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F. R. 6521, 8873, 9996, 11438, 12661, 13345, 14144.

[2] 8 F.R. 9546, 9568, 9727, 10571, 10673, 11589, 1191, 11756, 12098, 12951, 13743, 14012, 14154.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 56]

SISALKRAFT CO.

A statement of the considerations involved in the issuance of this amendment, has been issued simultaneously herewith, and filed with the Division of the Federal Register.*

A new section 6.31 is added to Article VI of Revised Supplementary Regulation No. 14 to read as follows:

SEC. 6.31 *Unspun fibre reinforced waterproofed paper including all grades of Fibreen and Sisalkraft.* (a) The maximum prices of The Sisalkraft Co., Chicago, Illinois for sales of unspun fibre reinforced waterproof paper including all grades of Fibreen and Sisalkraft shall be:

(1) The maximum prices as established under the General Maximum Price Regulation, plus

(2) The increase in raw material costs between March, 1942 and September, 1943.

(b) The Sisalkraft Co. shall file with the Office of Price Administration, Washington, D. C., within 10 days after December 1, a statement of the raw material costs as of March, 1942 and as of September, 1943, the maximum prices as established under the General Maximum Price Regulation, and the modified maximum prices. Such modified maximum prices shall be subject to the nonretroactive adjustment by the Office of Price Administration at any time.

(c) Before charging the modified maximum prices, The Sisalkraft Co. shall notify the purchaser as follows:

The Office of Price Administration has authorized the addition of certain raw material cost increases to our maximum prices of unspun fibre reinforced waterproofed paper including all grades of Fibreen and Sisalkraft. You and your subsequent purchasers are also authorized to add to your March, 1942 prices the exact amount of the increase which you have been charged.

(d) Each subsequent reseller shall be permitted to add the amounts authorized in paragraph (a) above to his maximum prices under the General Maximum Price Regulation.

Amendment 56 to Revised Supplementary Regulation No. 14 shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18956; Filed, November 25, 1943; 12:17 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 [1] to GMPR,[2] Amdt. 57]

MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES, SERVICES AND TRANSACTIONS

A statement of the considerations involved in the issuance of Amendment 57 to Revised Supplementary Regulation No. 14 has been issued and filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respects:

1. Section 9.1 (b) (6) is amended by striking out the words "during March, 1942" and substituting the words "on March 17, 1942", and by changing the date "March 31, 1942" to read "March 17, 1942".

2. Section 9.4 is added as follows:

SEC. 9.4 *Distributors' maximum prices for commodities covered by section 9.1 (packed in new container types and sizes*—(a) *Explanation.* This section establishes distributors' maximum prices for commodities, covered by section 9.1, which are packed in container types or sizes which the distributor did not deliver or offer for delivery during March 1942. However, it does not apply to commodities for which distributors' maximum prices are established by other regulations. A "distributor" is one who purchases all he sells (for his own account) of the kind and brand of product being priced and who resells it without processing or packaging any part of it.

(b) *Pricing method.* The distributor's maximum price to any class of purchasers for such a commodity shall be figured as follows. He shall (1) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any regulation; (2) divide his current selling price for that item by his actual cost, delivered to him; and (3) multiply the figure so obtained by the current cost, delivered to him, of the item being priced. The resulting figure shall be his maximum price for the item. Where the distributor established a maximum price for the commodity in the new container prior to December 1, 1943, he may, if he wishes, retain that price as his maximum price instead of figuring a price under this section. However, prices established on and after December 1, 1943, for new container types and sizes must be established according to the pricing method of this section.

(c) *Units of sale and fractions of a cent.* The distributor shall figure each maximum price in terms of the same general units (like pounds, jars, or dozens) in which he has customarily quoted prices for the comparable item which he used as a base. If the maximum price includes a fraction of a cent, a distributor other than a retailer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the comparable item which he used as a base; a retailer shall adjust any fraction of one-half cent or more to the next higher cent and a fraction of less than one-half cent to the next lower cent.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18968; Filed, November 25, 1943; 12:16 p. m.]

[1] 8 F.R. 9787.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6992, 8511, 9025, 9991, 11955.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 33]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Correction

In F.R. Doc. 43-18241 appearing on page 15527 of the issue for Saturday, November 13, 1943, the references to "paragraph (c)" in subparagraphs (2) and (4) in the third column should read "paragraph (e)".

PART 1382—HARDWOOD LUMBER

[MPR 146, Amdt. 15]

APPALACHIAN HARDWOOD LUMBER

Correction

In F.R. Doc. 43-18538 appearing on page 15737 of the issue for Friday, November 19, 1943, the fourth column heading in table (18D) Yellow Poplar-Bung Lumber (third column, page 15738) should read "No. 2A Common."

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Amdt. 15]

HAWAII; MAXIMUM PRICES FOR CERTAIN CANNED FRUITS AND VEGETABLES

Correction

In F. R. Doc. 43-18541, appearing on page 15741 of the issue for Friday, November 19, 1943, the numerical designation supplied by the Office of Price Administration should read as set forth above.

PART 1340—FUEL

[RMPR 122,[1] Amdt. 14]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respect:

1. Section 1340.262 (c) is amended to read as follows:

(c) *Reports.* Each dealer in solid fuels shall report to his District Office of the Office of Price Administration his maximum prices for sales of solid fuel within ten days after he determines or

[1] 8 F.R. 440, 1200, 3524, 4510, 5632, 6543.

redetermines his maximum prices under any pricing rule of this revised regulation. It will not, however, be necessary for a dealer whose price for a solid fuel is established by an area ceiling order issued under § 1340.260 of this regulation to file his maximum price for that solid fuel. When any dealer reports maximum prices determined under Rule 1 of § 1340.254 of this regulation, he shall report by filling out the following form in detail:

OPA Form 653-40
(Rev. 11-43)

Budget Bureau No. 08-R610
Approval Expires July 1, 1944

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
SOLID FUELS PRICE BRANCH

DETERMINATION OF MAXIMUM PRICES

(If after November 19, 1943, maximum prices are redetermined under Rule 1 of Section 1340.254 of Revised Maximum Price Regulation No. 122, this form must be filed with the District OPA office.)

COMPANY'S NAME

Company's address

No. and street	City	State

Date of this report

INSTRUCTIONS

Column 1. Define by type of customer and method of sale; i. e., "domestic delivered to bin," "domestic 'yard'," "industrial delivered," "reseller," etc. If yard sales to dealers carry a uniform discount, so indicate on reverse side of this sheet under "Additional Information."

Column 2. State whether solid fuel is anthracite, low volatile or high volatile bituminous coal, coke, or other. (Specify L. V. or H. V.)

Column 5. Enter for each kind of solid fuel the highest purchase cost during December 1941 before discounts, allowances, or service charges.

If no such solid fuel was purchased in December 1941, use the next preceding month in which the solid fuel was purchased.

Columns 6, 7, 8. Enter, for each price, the price *before* discounts, allowances or service charges.

Line No.	Type of sale	Kind of solid fuel	Size	Producing district	Highest purchase cost Dec. 1941	Supplier's current maximum price	Highest Dec. 1941 selling price	New maximum selling price
	1	2	3	4	5	6	7	8
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

If more space is necessary attach additional sheets using the above column headings.

(OVER)

DISCOUNTS AND CHARGES

INSTRUCTIONS: Enter in the appropriate spaces below the charges and discounts made in Dec. 1941 if any were made. Indicate by reference to line number to which of the sales described on the other side of this form these discounts and charges apply. If "all," so indicate. (If these have been modified since the base period by OPA order give the OPA order in the space labelled "additional information.")

A. In some areas the standard unit of sales is greater than one ton

1. To sales of what quantities do the prices listed on the other side of the report apply?

Line No. (page 1)	Quantity sold	Line No. (page 1)	Quantity sold

2. Specify extra charges for sales of a quantity less than the standard unit, specifying quantity.

Line No. (page 1)	Extra charge	Line No. (page 1)	Extra charge

B. Discounts per ton for sales in larger quantities than the standard unit

Line No. (page 1)	Discount per ton				
	1 ton	2 tons	3 tons	4 tons	5 tons or over

C. Charges for special services

Services	Charges per ton				
	1 ton	2 tons	3 tons	4 tons	5 tons or over
Carrying					
Wheeling					
Trimming					
Other (specify)					
Other (specify)					

D. Cash discounts allowed

1. C. O. D. Sales

2. Payments within—	Cash discount
a. 10 days	
b. 15 days	
c. 30 days	
d. Other (specify)	

E. Miscellaneous charges

1. Dust proofing
2. Extra long haul
3. Other (specify)

ADDITIONAL INFORMATION

I CERTIFY that the information on this form is correct to the best of my knowledge and belief.

(Signature of company official)

This Amendment No. 14 shall be effective as of November 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18974; Filed, November 25, 1943; 2:02 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

DESIGNATED BRIDGES ON MISSISSIPPI RIVER TRIBUTARIES

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), §§ 203.560, 203.565, 203.570, 203.608, 203.610, 203.615 and 203.625 are hereby superseded by the adoption of the following regulations:

§ 203.556 *Mississippi River and all its navigable tributaries and outlets; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the bridges listed below will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Red River, La.; bridges of Louisiana and Arkansas Railway Company (railroad), Rapides Parish (highway), and Missouri Pacific Railroad Company (railroad) at Alexandria, La. (At least four hours' advance notice required.)

Red River, Ark.; Missouri Pacific Railroad Company bridge at Fulton, Ark. (At least twenty-four hours' advance notice required.)

Ouachita River, Ark.; St. Louis Southwestern Railroad Company bridge near Camden, Ark. (At least two hours' advance notice required.)

Yazoo River, Miss.; Columbus and Greenville Railroad Company bridge at Fort Loring, Miss. (At least four hours' advance notice required.)

Big Sunflower River, Miss.; Columbus and Greenville Railroad Company bridge near Baird, Miss. (At least four hours' advance notice required.)

Missouri River, Nebr. and Iowa; Dakota County bridge between Sioux City, Iowa, and South Sioux City, Nebr. (At least two hours' advance notice required.)

Missouri River, S. Dak.; Chicago and North Western Railroad Company bridge at Pierre, S. Dak. (At least four hours' advance notice required.)

Osage River, Mo.; bridges of Missouri Pacific Railroad Company (railroad) and Missouri State Highway Department (highway) near Osage City, Mo. (At least twenty-four hours' advance notice required.)

Black River, Wis.; Wisconsin State Highway Commission bridge at North La Crosse, Wis. (At least twenty-four hours' advance notice required.)

(28 Stat. 362; 33 U.S.C. 499) [Regs. 18 November 1943, CE 823.01 SPEKH]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-18984; Filed, November 26, 1943; 10:16 a. m]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order 84-A]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

MULTIPLE OWNERSHIP OF STANDARD BROADCAST STATIONS

The Commission today adopted Order 84-A which promulgates § 3.35 setting forth the Commission's policy with respect to multiple ownership of standard broadcast stations. This policy has been adopted after extensive consideration of the problem raised by concentration of control over standard broadcast stations serving substantially the same area.

The regulation is effective immediately with respect to all applications for construction permit, or for assignment of license or transfer of control. With respect to existing stations, the regulation is to take effect midnight May 31, 1944; provision is made, however, for further postponing, upon a proper showing, enforcement of the regulation in any case where it is necessary to permit the orderly disposition of properties.

Any application for construction permit, or for assignment of license or transfer of control now on file or hereafter filed which may result in a situation of multiple ownership as stated in the regulation will be designated for hearing.

As to existing stations, no action will be taken until midnight May 31, 1944, except where individual licensees request an early hearing in order to secure a determination of the applicability of the regulation to them. Licenses which expire between November 23, 1943, and midnight May 31, 1944 will be extended to midnight May 31, 1944. Promptly after termination of the suspension period, it is contemplated that in each case where the regulation may apply, applications for renewal of license of the stations involved, will be designated for hearing, regardless of the date when the then current license expires; where necessary, the Commission will call for the early filing of such applications. Any determination that the regulation is applicable in a particular case, however, will not become effective until the then current license of the station involved expires.

At the hearings a full opportunity will be afforded for showing that a multiple ownership situation as stated in the regulation does not exist, or that if such a situation does exist, public interest, convenience, or necessity will nevertheless be served by a grant.

Order No. 84-A: In the matter of Commission's Order No. 84: Multiple ownership of standard broadcast stations; Docket No. 6165.

Whereas the Commission on August 5, 1941 adopted Order No. 84 [1] announcing a proposed regulation (§ 3.35) with respect to the multiple ownership of standard broadcast stations;

Whereas pursuant to the opportunity afforded by said order interested persons filed briefs and on October 6, 1941, argued orally before the Commission as to why the proposed regulation should not be adopted or why it should not be adopted in the form proposed;

Whereas after due consideration, the Commission is of the opinion that public interest, convenience and necessity will be served by adopting the policy set forth in the following regulation;

Now therefore, it is hereby ordered, That the following regulation be, and it hereby is adopted:

§ 3.35 *Multiple ownership.* No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled,[9b] by any person[9c] where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation. (Sec. 4 (i), 48 Stat. 1068, 47 U.S.C. 154 (i))

It is further ordered, This regulation is to take effect immediately: *Provided, however,* That with respect to persons who now directly or indirectly own, operate or control a standard broadcast station which renders primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, the effective date of this regulation shall be midnight May 31, 1944: *Provided further,* That with respect to such persons the Commission may, upon proper showing, extend the licenses of the stations involved in order, in any particular case, to determine the applicability of this regulation or to permit the orderly disposition of properties.

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[1] 6 F.R. 3972.

[9b] The word "control", as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

[9c] The word "person", as used herein, includes all persons under common control.

Adopted this 23d day of November 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-18985; Filed, November 26, 1943; 10:29 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

SEIBEL & STERN, BRIDGETON, N. J.

NOTICE OF GRANTING OF EXCEPTION

Pursuant to § 516.18 of the record keeping regulations, Part 516, issued under the Fair Labor Standards Act of 1938, authority is hereby granted to Seibel & Stern, Bridgeton, New Jersey, to discontinue preserving its employees' piecework tickets for the period of 2 years required by § 516.15 (a) (1) of the record keeping regulations, provided that these piece-work tickets are preserved for not less than 1 month, and that the weekly totals of piece work performed by each of the employees are entered in the pay roll records which are preserved for the period required by § 516.14 of the record keeping regulations.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 18th day of November, 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-18976; Filed, November 26, 1943; 9:30 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL—SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

B and S Manufacturing Company, S. E. Corner 4th and Cumberland Streets, Philadelphia, Pennsylvania; boys' wash suits; 10 learners (T); effective November 24, 1943, expiring November 23, 1944.

Borman Sportswear, Inc., 21 East Main Street, Johnstown, New York; apparel, sportswear; 5 learners (T); effective November 23, 1943, expiring November 22, 1944.

Co-Ed Frocks, Inc., Roodhouse, Illinois; women's cotton outer apparel; 60 learners (E); effective November 23, 1943, expiring May 22, 1944.

Co-Ed Frocks, Inc., Shelbyville, Illinois; women's washable outerwear; 20 learners (AT); effective November 23, 1943, expiring May 22, 1944.

Co-Ed Frocks, Inc., Winchester, Illinois; women's cotton outer apparel; 50 learners (E); effective November 23, 1943, expiring May 22, 1944.

Cornblect Brothers, Harrisburg, Illinois; wash dresses; 50 learners (E); effective November 22, 1943, expiring May 21, 1944.

The Fessenden Shirt Company, Inc., 9-11 Field Court, Kingston, New York; shirts; 10 percent (T); effective November 23, 1943, expiring November 22, 1944.

Franklin Garment Branch, North Third Street, Chambersburg, Pennsylvania; ladies' cotton house dresses, smocks and hooverettes; 10 percent (T); effective November 24, 1943, expiring November 19, 1944.

H. B. Glover Company, Union Street, Dyersville, Iowa; men's shirts; 10 learners (T); effective November 23, 1943, expiring May 22, 1944.

The L. N. Gross Company, Fayetteville, Tennessee; dresses; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Hicks-Hayward Company, 309 South Santa Fe Street, El Paso, Texas; men's and boys' cotton work clothing; 10 percent (T); effective November 23, 1943, expiring November 22, 1944.

The Kaynee Company, 6925 Aetna Road, Cleveland, Ohio; boys' shirts, blouses, suits, pajamas; 10 percent (T); effective November 23, 1943, expiring November 22, 1944.

Keystone Garment Company, North Stratton Street, Gettysburg, Pennsylvania; ladies' cotton house dresses; 10 percent (T); effective November 23, 1943, expiring November 22, 1944.

Manchester Pants Company, Manchester, Maryland; pants; 10 percent (T); effective November 24, 1943, expiring November 23, 1944.

Marine Garment Company, Marine, Illinois; women's cotton sleeping garments; 42 learners (E); effective November 24, 1943, expiring May 23, 1944.

Newport Manufacturing Company, Inc., Newport, Vermont; cotton house dresses, rayon wash dresses; 50 learners (E); effective November 20, 1943, expiring May 19, 1944.

Parkville Shirt Company, 521 River Street, Troy, New York; men's cotton shirts; 10 percent (T); effective November 23, 1943, expiring November 22, 1944.

Prevue Sportswear, Inc., 31 North Spruce Street, Mt. Carmel, Pennsylvania; children's dresses and blouses; 60 learners (E); effective November 22, 1943, expiring May 21, 1944.

M. H. Raab-Meyerhoff Company, Eighth and Dauphin Streets, Philadelphia, Pennsylvania; men's dress shirts and Marine shirts; 10 percent (T); effective November 24, 1943, expiring November 23, 1944.

Sterling Corset Corporation; 713 13th Avenue, Belmar, New Jersey; corsets, girdles and camouflaged nets; 22 learners (T); effective November 24, 1943, expiring November 23, 1944.

Walco Garment Company, 127 East Ninth Street, Los Angeles, California; wash frocks and defense garments; 10 learners (T); effective November 22, 1943, expiring November 21, 1944.

Warrensburg Shirt Company, Inc., 50 River Street, Warrensburg, New York; men's shirts; 10 percent (T); effective November 23, 1943, expiring November 22, 1944.

Weaver Pants Corporation, Foote and Polke Streets, Corinth, Mississippi; civilian trousers; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Western Dress Company, 322 Central Street, Gilman, Illinois; ladies' dresses; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

HOSIERY INDUSTRY

Lawler Hosiery Mill, Inc., 53 Bradley Street, Carrollton, Georgia; seamless hosiery; 20 percent (AT); effective November 24, 1943, expiring May 23, 1944.

Shuford Hosiery Mills, Inc., East Highland Avenue, Hickory, North Carolina; seamless hosiery; 5 percent (T); effective November 23, 1943, expiring November 22, 1944.

TEXTILE INDUSTRY

Bartow Textile Company, Cartersville, Georgia; chenille bedspreads, robes and rugs; 20 percent (AT); effective November 22, 1943, expiring May 21, 1944.

Moore & Cram Webbing Company, Beharrell Street, West Concord, Massachusetts; narrow fabrics, non-elastic webbing; 2 learners (T); effective November 24, 1943, expiring November 23, 1944.

Pisgah Mills, Inc., Brevard, North Carolina; cotton threads; 5 percent (AT); effective November 23, 1943, expiring May 22, 1944.

TELEPHONE INDUSTRY

The Lincoln Telephone and Telegraph Company, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Syracuse, Nebraska exchange; located at Syracuse, Nebraska; effective December 24, 1943, expiring November 23, 1944.

Signed at New York, N. Y., this 23d day of November 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-18994; Filed, November 26, 1943; 11:09 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order No. 2163]

HERMINE CHARLOTTE CORNELIA SCHMIDT, ET AL.

In re: Interest in the Estate of Hermine Charlotte Cornelia Schmidt and in certain real property, owned by Alix Ottilie Cornelia Ferdinande Schmidt.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Alix Ottilie Cornelia Ferdinande Schmidt is 12 Moltka Strasse, Oldenburg, in Oldenburg, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Alix Ottilie Cornelia Ferdinande Schmidt is the owner of the property described in subparagraph 4 hereof;

3. That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever, of Alix Ottilie Cornelia Ferdinande Schmidt in and to the Estate of Hermine Charlotte Cornelia Schmidt, deceased,

is property which is in the process of administration by Conrad Hartmann, administrator of the Estate of Hermine Charlotte Cornelia Schmidt acting under the judicial supervision of the Probate Court of the City of St. Louis, St. Louis, Missouri, and which is payable or deliverable to, or claimed by, Alix Ottilie Cornelia Ferdinande Schmidt, a national of a designated enemy country (Germany);

4. That the property described as follows:

The undivided one-half interest, being that undivided one-half interest inherited by Alix Ottilie Cornelia Ferdinande Schmidt, as sole heir of her mother, Hermine Charlotte Cornelia Schmidt, deceased, in and to the real property in St. Louis, Missouri, particularly described as follows:

Lots 2 and 3 of the subdivision of Peter Lindell's estate, in block 67 of the City of St. Louis, and the extension thereof westwardly to the east line of Third Street, as now established, having an aggregate frontage of 51 feet, 3½ inches on the east line of Third Street, by a depth eastwardly of 125 feet, 5½ inches to an alley 33 feet wide, together with the improvements thereon known as 704 and 706 North Third Street,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18915; Filed, November 25, 1943; 10:59 a. m.]

[Vesting Order 2395]

CARL F. LOMB

In re: Trusts under the will of Carl F. Lomb, deceased; File No. D–28–3322; E. T. sec. 692.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Clarence A. Smith, depositary, and Joseph F. Taylor, executor and trustee, acting under the judicial supervision of the Surrogate's Court, Monroe County, State of New York; and

(2) Such property and interests are payable or deliverable to, or claimed, by nationals and a political subdivision of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Carrie Froehlich, Germany.
Adelheid Sauer, Germany.
The descendants of Adelheid Sauer, Germany.
Friedl Sauer, Germany.
Karl Sauer, Germany.
Hans Sauer, Germany.
Ilse Sauer Appel, Germany.
Village of Birstein, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carrie Froehlich, Adelheid Sauer, the descendants of Adelheid Sauer, Friedl Sauer, Karl Sauer, Hans Sauer, Ilse Sauer Appel and the Village of Birstein, and each of them, in and to the trusts created under the will of Carl L. Lomb, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account of accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18916; Filed, November 25, 1943; 11:00 a. m.]

[Vesting Order 2399]

MICHELINA CIERLA SAURO

In re: Compensation claim owned by Michelina Cierla Sauro.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Michelina Cierla Sauro is Ripabottoni, Provincia Campobasso, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Michelina Cierla Sauro is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

All right, title, interest and claim of Michelina Cierla Sauro in and to any and all causes of action arising out of the death of

Cresenzo Sauro, under the common law and any Federal or State statutes, including, but not limited to, those arising under the Workman's Compensation Law of the State of Michigan, and any and all claims against the Cleveland Cliffs Iron Company, Ishpeming, Michigan, including but not limited to all rights of compensation, indemnity, proceeds, judgments and specifically the right to file, prosecute, collect and enforce such claims, including but not limited to the right to file claim with the Industrial Accident Board of the Department of Labor, State of Michigan, and the right to prosecute, enforce and collect such claim,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any persons, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18917; Filed, November 25, 1943; 10:59 a. m.]

[Vesting Order 2584]

ERNST R. BEHREND

In re: Estate of Ernst R. Behrend, deceased; File D–28–1563; E. T. sec. 291.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Bankers Trust Company and Mary B. Behrend, Executors, and Ralph B. McCord, Clerk, acting under the judicial supervision of the Orphans' Court of Erie County, Pennsylvania;

(2) Such property, and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Christian Haeseler, Denmark.
Erika Lotte Haeseler, Denmark.
Aenny Franz Hollman, Germany.
Dorothea Von Kessler, Germany.
Kathe Vanselow, Germany.

And determining that—

(3) Christian Haeseler and Erika Lotte Haeseler, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied area, Denmark, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Christian Haeseler, Erika Lotte Haeseler, Aenny Franz Hollmann, Dorothea Von Kessler and Kathe Vanselow, and each of them, in and to the estate of Ernst R. Behrend, deceased, and in and to the trust created under the will of Ernst R. Behrend, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18918; Filed, November 25, 1943; 11:00 a. m.]

[Vesting Order 2585]

JOHN JACOB

In re: Estate of John Jacob, deceased; File D–28–2576; E. T. sec. 5082.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Alfred L. Hetzelt, executor, acting under the judicial supervision of the Surrogate's Court, Erie County, New York.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Othellia Burg, France.
Mary Probst, Germany.
Katie Brantl, Germany.

And determining that—

(3) Othellia Burg, a citizen or subject of a designated enemy country, Germany, and within an enemy-occupied area, France, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Othellia Burg, Mary Probst and Katie Brantl, and each of them, in and to the estate of John Jacob, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18919; Filed, November 25, 1943; 11:00 a. m.]

[Vesting Order 2589]

ELLA BARTELS

In re: Mortgage Participation Certificate #412 of Series N59 issued by the New York Title and Mortgage Company to Ella Bartels; File No. F-28-2054; E.T. sec. 877.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Abraham N. Geller, Trustee, acting under the judicial supervision of the Supreme Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ella Bartels, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ella Bartels, in and to the Mortgage Participation Certificate #412 of Series N59 for $1,000 issued by the New York Title and Mortgage Company of New York City,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18920; Filed, November 25, 1943; 11:00 a. m.]

[Vesting Order 2590]

ISABELLE BENOIT

In re: Estate of Isabelle Benoit, deceased; file No. D-28-1875; E. T. sec. 1498.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Benjamin F. Ferris, as administrator d. b. n. acting under the judicial supervision of the Court of Probate, District of Greenwich, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Amelie Hoeppener, 32 Kurfurstenstrasse, Wittenberg Hall, Germany.

Lucie Schrader, 69 Holtenauerstrasse, Kiel, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Amelie Hoeppener and Lucie Schrader, and each of them, in and to the estate of Isabelle Benoit, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18921; Filed, November 25, 1943; 10:59 a. m.]

[Vesting Order 2591]

MARY BREYER

In re: Estate of Mary Breyer, deceased; File No. D-6-181; E. T. sec. 5450.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Manchester Trust Company, as executor acting under the judicial supervision of the Court of Probate for the District of Manchester, Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Josephine Gaba, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Josephine Gaba in and to the Estate of Mary Breyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18922; Filed, November 25, 1943; 10:58 a. m.]

[Vesting Order 2592]

MORRIS DUCKER

In re: Trust under the will of Morris Ducker, deceased, File No. D–66–93; E. T. sec. 1803.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Irving Trust Company and George M. Jaffin, as co-trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Frieda Fischer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Frieda Fischer in and to the trust created under the Will of Morris Ducker, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18923; Filed, November 25, 1943; 10:58 a. m.]

[Vesting Order 2593]

CARL J. FREGIN

In re: Estate of Carl J. Fregin, deceased; File D–28–2281; E. T. sec. 2873.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George C. Lessner, as administrator acting under the judicial supervision of the Court of Probate, District of Manchester, State of Connecticut;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ernst Fregin, Medderain, Pommern, Germany.

Erich Fregin, 28 Guerickestr, Charlottenburg, Berlin, Germany.

Frieda Waldapfel, 9 Kronprinzenstr, Liepzig, Germany.

Gertrude Retzlaff, Altmarsau Kreis Schwetz, Germany.

Ernst Fregin, Velten, Berlin, Germany.

Erna Buschmann, 217 Sternbuschweg, Duisburg, Germany.

Charlotte Schmitz, 31 Paulusstr., Graudenz, Germany.

Anna Banna, 172 Muhlenstr, Graudenz, Germany.

Konrad Gutzmer, Alt Barkoschin, Westpreussen, Germany.

Margaret Schoewe, Alt Barkoschin, Westpreussen, Germany.

Paul Bandomer, 19 Koldingstr, Hamburg, Germany.

Otto Bandomer, 56 Sophienstr, Hamburg, Germany.

Hermine Voss, 27 Wilhelmstr, Hamburg-Rahlstedt, Germany.

Margerete Reinfelds, 21 Thalstr, Hamburg, Germany.

Otto Bandomer, 58 Grossneumarkt, Hamburg, Germany.

Frieda Casper, 28 Backerpreitergang, Hamburg, Germany.

Paul Bandomer, 10 Friedrichstr, Hamburg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Ernst Fregin, Erich Fregin, Frieda Waldapfel, Gertrude Retzlaff, Ernst Fregin, Erna Buschmann, Charlotte Schmitz, Anna Banna, Konrad Gutzmer, Margaret Schoewe, Paul Bandomer, Otto Bandomer, Hermine Voss, Margarete Reinfelds, Otto Bandomer, Frieda Casper and Paul Bandomer, and each of them, in and to the Estate of Carl J. Fregin, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18924; Filed, November 25, 1943; 10:57 a. m.]

[Vesting Order 2594]

JENNIE GOODMAN

In re: Trust under the will of Jennie Goodman, also known as Jenny Goodman, deceased; File D–28–2193; E. T. sec. 2864.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Security First National Bank of Los Angeles, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Lipschutz, Germany.
Adolph Lipschutz; Germany.
Mrs. Edith Seidler (nee Lipschutz), Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Lipschutz, Adolph Lipschutz and Mrs. Edith Seidler (nee Lipschutz) and each of them in and to a trust created under the will of Jennie Goodman, also known as Jenny Goodman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18925; Filed, November 25, 1943; 10:57 a. m.]

[Vesting Order 2595]

CRAIG HEBERTON

In re: Trust under the will of Craig Heberton, deceased; File D–38–931; E. T. sec. 7413.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Girard Trust Company, custodian, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Louise Cooke Tommaro, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Louise Cooke Tommaro in and to the Trust created under the Will of Craig Heberton, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18926; Filed, November 25, 1943; 10:57 a. m.]

[Vesting Order 2596]

JULIUS H. HEINEKE

In re: Estate of Julius H. Heineke, deceased; File D–28–1504; E. T. sec. 275.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Birmingham Trust and Savings Company, 112 North 20th Street, Birmingham, Alabama, Executor, acting under the judicial supervision of The Circuit Court for the 10th Judicial Circuit of Alabama;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Helene Kremer, Germany.
Martha Dyckmans, Germany.
Auguste Behrens, Germany.
Minna Roeder, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Helene Kremer, Martha Dyckmans, Auguste Behrens and Minna Roeder, and each of them, in and to the Estate of Julius H. Heineke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18927; Filed, November 25, 1943; 10:56 a. m.]

[Vesting Order 2597]

THERESA HOFFENMULLER

In re: Estate of Theresa Hoffenmuller, deceased; file D–6–192; E. T. sec. 5858.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ella Fink, 335 West Lawson, St. Paul, Minnesota, Administratrix de bonis non, acting under the judicial supervision of the Probate Court of the State of Minnesota, in and for the County of Ramsey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Joseph Stumpf, Germany (Austria).
Ella Stumpf, Germany (Austria).

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to the above designated nationals as follows:

Joseph Stumpf, grandson and heir-at-law of decedent, $375.00;

Ella Stumpf, granddaughter and heir-at-law of decedent, $375.00; also,

All right, title, interest and claim of any kind or character whatsoever of Joseph Stumpf and Ella Stumpf, and each of them, in and to the estate of Theresa Hoffenmuller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18928; Filed, November 25, 1943; 10:56 a. m.]

[Vesting Order 2598]

ALFRED HUGO JAHN

In re: Trust under the will of Alfred Hugo Jahn, deceased; File D–28–2524; E. T. sec. 3756.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Louise Hedwig Zieger, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louise Hedwig Zieger in and to the trust estate created under the will of Alfred Hugo Jahn, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18929; Filed, November 25, 1943; 10:56 a. m.]

[Vesting Order 2599]

JOSEPH KRAR

In re: Estate of Joseph Krar, deceased; File No. D–34–74; E. T. sec. 980.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Maria Hartl, as executrix, acting under the judicial supervision of the Court of Probate, District of East Hartford, State of Connecticut; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Elizabeth Krar, Hungary.
Theresa Krar, Hungary.
Julianna Krar, Hungary.
Anna Torok (formerly Anna Krar), Hungary.
Stephen Krar (also known as Stephen Kovacs), Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Elizabeth Krar, Theresa Krar, Julianna Krar, Anna Torok (formerly Anna Krar) and Stephen Krar, (also known as Stephen Kovacs) and each of them, in and to the estate of Joseph Krar, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be

determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian, a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18930; Filed, November 25, 1943; 10:56 a. m.]

[Vesting Order 2600]

GABRIEL MARINO

In re: Trusts under the will and codicil of Gabriel Marino, deceased, for the benefit of Concettina Cesaro, Giovanna Lantieri and Albert Marino.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Hudson County National Bank of Jersey City, New Jersey, Substituted Trustee, acting under the judicial supervision of the Chancery Court of New Jersey, Trenton, New Jersey.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Concettina Cesaro, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Concettina Cesaro in and to the trusts under the will and codicil of Gabriel Marino, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18931; Filed, November 25, 1943; 11:01 a. m.]

[Vesting Order 2601]

MATHILDA RONNENBERG

In re: Estate of Mathilda Ronnenberg, also known as Matilda Ronnenberg, deceased; File D–28–6558; E.T. sec. 4609.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frederick W. Kiendl and Herman Siebold, as Executors of the Estate of Mathilda Ronnenberg, also known as Matilda Ronnenberg, deceased, acting under the judicial supervision of the Surrogate's Court of the County of Kings, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Daniel Koepcke, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Daniel Koepcke, in and to the Estate of Mathilda Ronnenberg, also known as Matilda Ronnenberg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18932; Filed, November 25, 1943; 11:01 a. m.]

[Vesting Order 2602]

GEORGE SCHENK

In re: Trusts under the will of George Schenk, also known as George Schenck, deceased; file No. D–28–6621; E. T. sec. 5172.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The German Society of the City of New York, trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Anna Martell, Germany.
Alice Schenk, also known as Alice Schenck, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Martell and Alice Schenk, also known as Alice Schenck, and each of them, in and to the trusts under the will of George Schenk, also known as George Schenck, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18933; Filed, November 25, 1943; 11:01 a. m.]

[Vesting Order 2603]

ADA, BARONESS VON ROTSMANN

In re: Trust under the will of Ada, Baroness Von Rotsmann; File D–28–2589; E.T. sec. 5105.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The South Carolina National Bank, 16 Broad Street, Charleston, South Carolina, Substituted Trustee, acting under the judicial supervision of the Court of Common Pleas of Charleston County, South Carolina;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Georgiana Kate Sophia Baroness Von Rotsman, Germany.
Violet Schaefer, Germany.
Harold Ledibre Murray, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Georgiana Kate Sophia Baroness Von Rotsmann, Violet Schaefer and Harold Ledibre Murray, and each of them, in and to the trust estate created under the Will of Ada, Baroness Von Rotsmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18934; Filed, November 25, 1943; 11:01 a. m.]

[Vesting Order 600, Amendment]

HEINRICH WILHELM OSCAR DUVINAGE, ET AL.

In re: Real property situated in Queens County, New York, interests in which are owned by German citizens.

Vesting Order Number 600, dated December 30, 1942, as amended, is hereby further amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses are set forth in Exhibit A attached hereto and by reference made a part hereof are citizens and residents of Germany and are nationals of a designated enemy country (Germany);

2. That the persons whose names appear in said Exhibit A are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

The undivided 5/6 interest in and to that certain real property situated in the County of Queens, City and State of New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Names and Last Known Addresses and Interests

Heinrich Wilhelm Oscar Duvinage, #113 Hornerweg, Hamburg, Germany; 1/24.

Johannes Wilhelm Heinrich Duvinage, #219 Kielerstrasse, Altona, Germany; 1/24.

Paul Theodor Alwin Duvinage, #11 Venusberg, Hamburg, Germany; 1/24.

Elsa Johanna Albertina Duvinage Reimers, #173 Borstelmannsweg, Hamburg, Germany; 1/24.

Friederica Magdalena Sophie Friede Rumel, Bruel, Mecklenburg, Germany; 1/6.

Auguste Henriette Maria Fried Block, Bruel, Mecklenburg, Germany; 1/6.

Carl Christian Peter Friede, Friedrich Garfastrasse, Bruel, Mecklenburg, Germany; 1/30.

Wilhelm Carl Friede, #69 Deuchstrasse, Wilster Holstein, Germany; 1/30.

Friederica Maria Sophia Friede Pingel, #31 Hammerdeich, Hamburg, Germany; 1/30.

Bernhardine Elise Henriette Friede Alm, #13 Luisenstrasse, Schwerin, Mecklenburg, Germany; 1/30.

Paula Karla Hermine Bertha Gielow Hermann, #18 Wallensteinstrasse, Schwerin, Mecklenburg, Germany; 1/30.

Erna Clara Johanna Kruger, #111 Potsdammerstrasse, Michendorf near Potsdam, Germany; 1/6.

EXHIBIT B

All that certain lot, piece or parcel of land with the improvements thereon erected, situate, lying and being in the County of Queens, City and State of New York, known as Lot No. 7 on a map of property in the Town of Jamaica, Queens County, belonging to Ozone Park Land Company, surveyed April 1891 by E. W. Conklin, Plot No. 1, Map No. 267, filed in Queens County Clerk's Office on July 17, 1891, bounded and described as follows:

Beginning at a point on the easterly side of 113th (Cedar Avenue) Street distant 100 feet northerly from the corner formed by the intersection of the said easterly side of 113th Street with the northerly side of 101st (Broadway) Avenue; thence running easterly along the southerly line of lot No. 7 as laid down on said map and parallel with the said northerly side of 101st Avenue 100 feet; thence northerly parallel with the said easterly side of 113th Street 25 feet to the southerly line of Lot No. 8 as laid down on said map; thence westerly along said southerly line of Lot No. 8, 100 feet to the said easterly side of 113th Street, and thence southerly along the said easterly side of 113th Street 25 feet to the point or place of beginning.

Together with all the right, title and interest of, in and to so much of the land lying in 113th Street as lies in front of and adjacent to the above described premises to the center line thereof.

[F. R. Doc. 43-18951; Filed, November 25, 1943; 11:02 a. m.]

[Vesting Order 1088, Amendment]

GEORGE AND HANS FISCHER

In re: Mortgages, a participation certificate and bank account owned by George Fischer and Hans Fischer.

Vesting Order Number 1088, dated March 22, 1943, as amended is hereby further amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of George Fischer and Hans Fischer are Zumguten Hirten 35, Munster, Germany and Ubbediseen 28, b/Bielefeld, Germany, respectively, and that they are citizens and residents of Germany and are nationals of a designated enemy country (Germany);

2. That George Fischer and Hans Fischer are the owners of the property described in subparagraphs 5-a and 5-b hereof;

3. That George Fischer is the owner of the property described in subparagraphs 5-c, 5-d, 5-f and 5-h hereof;

4. That Hans Fischer is the owner of the property described in subparagraphs 5-e, 5-g and 5-i hereof;

5. That the property described as follows:

a. A certain mortgage covering the premises known as 9022 Krier Place, Brooklyn, New York, executed by Vito Bonura and Vincenza Bonura, his wife, as mortgagors, on May 2, 1927 and recorded on May 3, 1927 in the Register's Office of Kings County, New York, in Liber 6724 of Mortgages, Page 86; which mortgage was assigned to George Fischer and Hans Fischer on January 9, 1934 by Chase National Bank of the City of New York, as Executor of the Last Will and Testament of Dorothea Amalia Dufft, and recorded on January 30, 1934, in the Register's Office of Kings County, New York in Liber 7882 of Mortgages, Page 101,

b. A certain mortgage covering the premises known as 146 Somers Street, Brooklyn, New York, executed by George A. Reade and Mary A. Reade, his wife, as mortgagors, on April 2, 1919 and recorded on April 3, 1919 in the Register's Office of Kings County, New York, in Liber 4512 of Mortgages, Page 469; which mortgage was assigned to George Fischer and Hans Fischer on January 6, 1934 by Chase National Bank of the City of New York, as Executor of the Last Will and Testament of Dorothea Amalia Dufft, and recorded on January 30, 1934 in the Register's Office of Kings County, New York, in Liber 7871 of Mortgages, Page 273,

c. A certain mortgage covering the premises known as 988 Sutter Avenue, Brooklyn, New York, executed by David Diamondstein and Minnie Diamondstein, his wife, as mortgagors, on January 6, 1922, and recorded on January 7, 1922, in the Register's Office of Kings County, New York, in Liber 5077 of Mortgages, Page 44; which mortgage was assigned to George Fischer on February 16, 1931, by Bond and Mortgage Guarantee Company, and recorded in the Register's Office of Kings County, New York, in Liber 7615 of Mortgages, Page 5,

d. A certain mortgage covering the premises known as 206 Seventh Street, Brooklyn, New York, executed by Jozefa (Josepha) Kleczynska, as mortgagor, on March 7, 1924, and recorded on March 7, 1924 in the Register's Office of Kings County, New York, in Liber 5656 of Mortgages, Page 90; which mortgage was assigned to George Fischer on January 11, 1932 by Title Guarantee and Trust Company, and recorded in the Register's Office of Kings County, New York, in Liber 7724 of Mortgages, Pages 301,

e. A certain mortgage covering the premises known as 276 Tompkins Avenue, Brooklyn, New York, executed by Harry Falk and Bessie Falk, his wife, and Morris Falk and Fannie Falk, his wife, as mortgagors, on May 4, 1923, and recorded on May 9, 1923 in the Register's Office of Kings County, New York in Liber 5393 of Mortgages, Page 337; which mortgage was assigned to Hans Fischer on June 10, 1929 by Bond and Mortgage Guarantee Company and recorded in the Register's Office of Kings County, New York, in Liber 7320 of Mortgages, Page 180,

and any and all obligations secured by the above-described mortgages, including but not limited to any and all security rights in and to any and all collateral (including the above described mortgages) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations,

f. Lot No. 37230 in the Green-Wood Cemetery, Brooklyn, New York, and the East Half of Lot No. 197 in the South Beach Cemetery, Greenwich, Connecticut, the ownership of which lots is evidenced by two deeds held by Chase National Bank of the City of New York for George Fischer, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

g. That certain certificate of participation in a mortgage in the amount of $73,350 covering a four-story apartment house with 28 apartments, known as 110 Martense Street, Brooklyn, New York, held by Chase National Bank of the City of New York for the account of Hans Fischer,

h. All right, title, interest and claim of George Fischer in and to a certain bank account with Chase National Bank of the City of New York, New York, which is due and owing to and held for and in the name of George Fischer, including but not limited to all security rights in and to any and all collateral for such account, or portion thereof, and the right to enforce and collect such account, and

i. All right, title, interest and claim of Hans Fischer in and to a certain bank account with Chase National Bank of the City of New York, New York, which is due and owing to and held for and in the name of Hans Fischer, including but not limited to all security rights in and to any and all collateral for such account, or portion thereof, and the right to enforce and collect such account,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 5-g, 5-h and 5-i hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 5-a, 5-b, 5-c, 5-d and 5-e hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18952; Filed November 25, 1943; 11:02 a. m.]

[Vesting Order 1599, Amendment]

RICHARD C. NICKELSEN

In re: Real property in Brooklyn, New York, insurance policies and credit owned by Richard C. Nickelsen.

Vesting Order Number 1599, dated June 3, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Richard C. Nickelsen, is Toftum Fohr, Schleswig-Holstein, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Richard C. Nickelsen is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Brooklyn, County of Kings, City and State of New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Richard C. Nickelsen, in and to all those certain insurance policies particularly described in Exhibit B attached hereto and by reference made a part hereof, covering the improvements on the real property described in subparagraph 3-a hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Richard C. Nickelsen, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Richard C. Nickelsen by Brooklyn Trust Company, Brooklyn, New York, including particularly the cash balance credited to Richard C. Nickelsen in the custodian account of said bank, which is due and owing to and held for Richard C. Nickelsen,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with, in the interest, and for the benefit, of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on November 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows, to wit:

Beginning at a point on the northerly side of Church Avenue distant thirty eight (38) feet westerly from a point formed by the northerly side of Church Avenue with the westerly side of St. Pauls Place; running thence northerly and parallel with St. Pauls Place and part of the distance through a party wall one hundred and one (101) feet and one one hundredths of a foot; running thence westerly and parallel with Church Avenue nineteen (19) feet; running thence southerly and parallel with St. Pauls Place and part of a distance through another party wall one hundred one (101) feet and one one hundredths of a foot to the northerly side of Church Avenue thence easterly along the northerly side of Church Avenue nineteen (19) feet to the point or place of beginning. Said premises being known by the street number 1821 Church Avenue, Brooklyn, New York.

EXHIBIT B

Fire Insurance Policy No. 96190 of the Phoenix Insurance Company of Hartford, 110 William Street, New York City, issued to Brooklyn Trust Company, as agent for Richard C. Nickelsen, assured, on the building located at 1821 Church Avenue, Brooklyn, New York, in the sum of $10,000. for a term commencing June 15, 1941 and expiring June 15, 1944. The premium thereon in the sum of $50. has been paid.

Fire Insurance Policy No. 96857 of the Phoenix Insurance Company of Hartford, 110 William Street, New York City, issued to Brooklyn Trust Company, as agent for Richard C. Nickelsen, assured, on the building located at 1821 Church Avenue, Brooklyn, New York, in the sum of $14,500. for a term commencing October 31, 1941 and expiring October 31, 1944. The premium thereon in the sum of $72.50 has been paid.

War Damage Insurance Policy No. 276-99-56 of the War Damage Corporation (Great American Insurance Co., assuring agents), issued to Brooklyn Trust Company as agent for Richard C. Nickelsen on premises 1821 Church Avenue, Brooklyn, New York, in the sum of $12,500, for a term commencing July 1, 1942 and expiring on July 1, 1943. The premium thereon in the sum of $25, has been paid.

Public Liability Insurance Policy No. 22808 of the Sun Indemnity Co., issued to Brooklyn Trust Company, as agent for Richard C. Nickelsen and Boy Ketelsen, assureds, on premises 1821 Church Avenue, Brooklyn, New York; limits of policy $25,000. and $50,000. for a term commencing on June 12, 1942 and expiring on June 12, 1943. The premium thereon in the sum of $43.65 has been paid.

Plate Glass Insurance Policy No. PG-4221 of the Bakers Mutual Insurance Company, issued to Brooklyn Trust, as agent for Richard C. Nickelsen and Boy Ketelsen, assureds, for a term commencing on October 19, 1942 and expiring on October 19, 1943 on premises 1821 Church Avenue, Brooklyn, New York. The premium thereon in the sum of $8.78 has been paid.

[F. R. Doc. 43-18953; Filed, November 25, 1943; 11:02 a. m.]

[Vesting Order 1884, Amendment]

K. KAWAJI

In re: Real property, personal property and bank account owned by K. Kawaji.

Vesting Order Number 1884, dated July 23, 1943, as amended, is hereby further amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of both K. Kawaji, also known as J. Kiichiro Kawaji and Joe Kawaji, and Ima Kawaji, his wife, is Japan, and that they are residents of Japan and nationals of a designated enemy country (Japan);

2. That K. Kawaji, also known as J. Kiichiro Kawaji and Joe Kawaji, and Ima Kawaji, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Lakeview, Lake County, Oregon, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Certain laundry machinery and equipment, furniture and fixtures, particularly described in Exhibit B, attached hereto and

by reference made a part hereof,[1] situated on the real property described in subparagraph 3–a above and located at Lakeview, Lake County, Oregon,

c. All right, title, interest and claim of any name or nature whatsoever of K. Kawaji in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by the First National Bank of Portland, Lakeview Branch, Lakeview, Oregon, and to any or all collateral for any or all such obligations and the right to enforce and collect such obligations, particularly, but not limited to, a bank account which is due and owing to and held for K. Kawaji and in the name of the Lake County Steam Laundry, by Tangi Nakagama, manager,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3–a and 3–b hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order:

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All the following bounded and described real property situated in the County of Lake, and State of Oregon:

Commencing at a point 210 feet east and 94 feet & 8 inches North from the South East Corner of Block One in the Town of Lakeview, Oregon, thence running north 83 feet and 7 inches; thence East 100 feet; thence South 96 feet, thence westerly and parallel to a line passing through the center of the flume or canal of Bullard Creek 102 feet more or less to the place of beginning; Also a certain right of way of egress and ingress over a certain piece of land lying to the north and adjoining to the tract herein above described, which right of way is more particularly described, in a deed executed by B. Daly, as grantor to D. P. Malloy as grantee, said last mentioned deed being dated on the 14'' day of April, 1908 and recorded at page 510 of Vol. 21 record of deeds of Lake County, Oregon on the 28'' day of April, 1909; all of said lands hereby conveyed and above described being subject to the reservations, exemptions contained and set forth in that certain deed executed by the Town of Lakeview, Oregon, as grantor to the said D. P. Malloy grantee bearing date, April 16'' 1908 and recorded at page 508 of Vol. 21 record of Deed Lake Co. Or.

[F. R. Doc. 43–18954; Filed, November 25, 1943; 11:02 a. m.]

[Vesting Order No. 2344, Amendment]

WILLIAM R. von VERSEN

In re: Real property and claims owned by William R. von Versen and other nationals of Germany.

Vesting Order No. 2344, dated October 5, 1943, is hereby amended as follows and not otherwise:

By deleting the name "Friederich von Versen" appearing in line 4 of subparagraph 3–b of said vesting order and substituting therefor the name "William von Versen".

All other provisions of said Vesting Order No. 2344 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 19, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–18955; Filed, November 25, 1943; 11:03 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 117]

COMMON CARRIERS, POINTS IN KANSAS AND MISSOURI

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Santa Fe Trail Transportation Company, a corporation, Wichita, Kansas, and Yellow Transit Co., a corporation, Oklahoma City, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[2] a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

[1] Filed as part of the original document.

[2] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14562.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of the Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–117," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, o until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–18989; Filed, November 26, 1943; 10:51 a. m.]

[Rev. ODT 3, Supp. Order 118]

COMMON CARRIERS, POINTS IN MARYLAND AND WEST VIRGINIA

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Penn-N. Y. Truck Lines, Inc., Pittsburgh, Pennsylvania, and Parsons Thompson Co., Inc., Clarksburg, West Virginia, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 118," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–18990; Filed, November 26, 1943; 10:51 a. m.]

[Rev. ODT. 3, Supp. Order 119]

COMMON CARRIERS, SAGINAW AND BAY CITY, MICH.

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by George P. Maiers, Ralph D. Maiers, and Clare E. Maiers, co-partners, doing business as Maiers & Sons Motor Freight, Mayville, Michigan, and William W. Brown, doing business as Saginaw Transfer Company, Saginaw, Michigan, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582.
[2] Filed as part of the original document.

operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 119," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-18991; Filed, November 26, 1943; 10:51 a. m.]

[Rev. ODT 3, Supp. Order 120]

COMMON CARRIERS, POINTS IN KANSAS

COORDINATED OPERATIONS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Sante Fe Trail Transportation Company, a corporation, Wichita, Kansas, and J. W. Healzer, doing business as Healzer Cartage Company, Hutchinson, Kansas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractural arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-120," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 30, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-18992; Filed, November 26, 1943; 10:52 a. m.]

[ODT 6A, Supp. Order 11]

COMMON CARRIERS, TUCSON, ARIZ.

COORDINATED OPERATIONS

Coordinated operations within an area comprised of the City of Tucson, Arizona, and a zone extending twenty-five miles from the boundaries thereof.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transporta-

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[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582.
[2] Filed as part of the original document.

tion capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A–11" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 17, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

1. C. R. Dusenberry (an individual), doing business as City Transfer Company, 721 North Third Avenue, Tucson, Arizona.
2. Citizens Transfer & Storage Company, Inc. (a corporation), 44 West Sixth Street, Tucson, Arizona.
3. Fermin R. Montiel (an individual), doing business as Ralph's Transfer Company, 657 West St. Mary's Road, Tucson, Arizona.
4. G. L. Gibbons (an individual), doing business as McGee Transfer Co., 2 East Sixth Street, Tucson, Arizona.
5. Joe Wilson (an individual), doing business as Terminal Transfer Company, 302 South Park Avenue, Tucson, Arizona.
6. Tucson Warehouse & Transfer Company, Inc. (a corporation), 110 East Sixth Street, Tucson, Arizona.

[F. R. Doc. 43–19005; Filed, November 26, 1943; 11:33 a. m.]

RETAIL MILK DISTRIBUTORS, IN KEOKUK, IOWA

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 12750, 14582), the retail milk distributors named in Appendix A hereof have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of milk in the City of Keokuk, Iowa.

The participants propose to conserve motor trucks and vital equipment, materials and supplies by limiting for the duration of the present war; each retail customer to every-other-day delivery of milk from motor trucks. They estimate that effectuation of the plan will accomplish a savings of 42,000 truck miles annually.

It appearing that effectuation of the proposed joint action plan will accomplish substantial conservation and efficient utilization of vital transportation equipment, materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan: *Provided,* That neither this recommendation nor any certificate issued pursuant hereto shall exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect.

I therefore recommend that the Chairman of the War Production Board find and certify, under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan is requisite to the prosecution of the war.

Issued at Washington, D. C., this 17th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX A

1. J. W. Peterson.
2. F. R. Immegart.
3. R. E. Rein.
4. Whitehouse Creamery Co.
5. H. & L. Dairy.
6. Peters Dairy.
7. Frank Weirather.
8. Sanitary Dairy Products.
9. Frank Belt.
10. Henry R. Leu.

[F. R. Doc. 43–19003; Filed, November 26, 1943; 11:34 a. m.]

FLORISTS IN PHILADELPHIA, PA.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750, 14582), H. H. Battles, J. J. Habermehl's Sons, London Flower Shop, and J. Liddon Pennock, all of Philadelphia, Pennsylvania, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Philadelphia and suburbs.

The participants in the plan propose to eliminate wasteful operations in the transportation and delivery of flowers and related articles in the Philadelphia area by pooling deliveries for two specified zones. Each of the four participants in turn will operate his own delivery truck, making all deliveries within one of the two zones. Joint selling activities are not contemplated.

It appearing that effectuation of the proposed joint action plan will accomplish substantial conservation and efficient utilization of vital transportation equipment, materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan: *Provided,* That neither this recommendation nor any certificate issued pursuant hereto shall exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect. I recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action, plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 17th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–19002; Filed, November 26, 1943; 11:34 a. m.]

NEWSPAPER DELIVERY IN NEW YORK CITY AREA

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750, 14582), the New York Journal-American, New York Post, The Sun, New York World-Telegram, and Long Island Star-Journal, newspapers in the New York City area, have filed with the Office of Defense Transportation for approval a joint action plan relating to the delivery by motor vehicle of newspapers within such area.

The plan provides as follows:

1. Except on Saturdays and Sundays, the New York Journal-American and the New York World-Telegram will combine the relay deliveries of their respective noon editions;

2. The New York Journal-American will suspend the delivery of daily and Sunday "bulldog" editions to retail newsdealers in Hudson County, New Jersey, and Flushing, Long Island, and, in lieu thereof, will sell such editions to wholesale newsdealers, who will sell and deliver such editions to retail newsdealers

in combination with deliveries of the New York Post, The Sun and the New York World-Telegram now made by such wholesale newsdealers to retail newsdealers within such areas;

3. The Long Island Star-Journal will suspend the delivery of newspapers to retail newsdealers in Flushing, Long Island, and, in lieu thereof, will sell such newspapers to a wholesale newsdealer, who will sell and deliver those newspapers to retail newsdealers in combination with deliveries of other newspapers now made by the wholesale newsdealer to retail newsdealers within such area;

4. The New York World-Telegram, The Sun, and the New York Post will suspend the delivery of newspapers to retail newsdealers in East Bronx, Bay Ridge, Brighton Line, Flatbush, and Central Brooklyn, and, in lieu thereof, will sell such newspapers to wholesale newsdealers, who will sell, and combine the delivery of, those newspapers to retail newsdealers within each of the areas;

5. The New York Post, The Sun, the New York World-Telegram, and the Long Island Star-Journal will suspend the delivery of newspapers to retail newsdealers in Queens, and, in lieu thereof, each publisher will sell such newspapers to wholesale newsdealers, who will sell, and combine the delivery of, those newspapers to retail newsdealers within such area;

6. Whenever any wholesale newsdealer referred to in paragraphs numbered 4 and 5 of this recommendation has space available on motor trucks utilized in any of the areas mentioned in such paragraphs, the New York Journal-American, so far as possible, will suspend the delivery of newspapers to retail newsdealers within those areas and, in lieu thereof, will sell the newspapers to that wholesale newsdealer, who will sell and deliver those newspapers to retail newsdealers within such areas.

It appearing that effectuation of the proposed joint action plan will accomplish substantial conservation and efficient utilization of vital transportation equipment, materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan: *Provided*, That neither this recommendation nor any certificate issued pursuant hereto shall exempt or release any participant in the plan from the requirements of any order of the Office of Defense Transportation now or hereafter in effect.

I therefore recommend that the Chairman of the War Production Board find and certify, under section 12, Public Law No. 603, 77th Congress (56 Stat. L. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan is requisite to the prosecution of the war.

Issued at Washington, D. C., this 13th day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-19005; Filed, November 26, 1943; 11:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 247 Under MPR 120, Correction]

ELMER HOLFELTZ, ET AL.

ORDER GRANTING ADJUSTMENT

Correction to Order No. 247 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant, Docket No. 3120-363. Granting adjustment to Elmer Holfeltz, Bryant Roper, Lawrence J. Wardel, Nelson O. Weeks and Walter Collier.

For the reason that the price set forth in paragraph (a) of Order No. 247 under Maximum Price Regulation No. 120 for Size Group 13 coals by typographical error reduces from $2.95 to $2.75 the maximum price otherwise applicable under Regulation No. 120, the price of $2.75 for Size Group 13 coals appearing in said Order No. 247 is hereby corrected to read $2.95.

This correction shall become effective as of October 3, 1943, the effective date of Order No. 247.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18969; Filed, November 25, 1943; 12:21 p. m.]

[Order 50 Under RMPR 122, Amdt. 1]

PENNSYLVANIA ANTHRACITE IN DESIGNATED LOCALITIES OF PENNSYLVANIA

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 50 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in the Cities of York, Harrisburg, and designated townships and boroughs in York, Dauphin, Cumberland, and Perry Counties, Commonwealth of Pennsylvania—Coal Area III.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Order No. 50 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. In paragraph (d) and immediately under the heading "Direct Delivery Sales," the per net ton prices and the per net one-half ton prices are amended to read as follows:

Size	Per net ton	Per net ½ ton
Egg, stove, nut	$13.00	$6.75
Pea	11.30	5.90
Buckwheat	9.55	5.05
Rice	8.45	4.50
Barley	7.05	3.80
Screenings	3.50	2.00

2. In paragraph (d) and immediately under the heading "Yard Sales," the per net ton prices and the per net one-half ton prices are amended to read as follows:

Size	Per net ton	Per net ½ ton
Egg, stove, nut	$11.75	$6.15
Pea	10.05	5.30
Buckwheat	8.30	4.40
Rice	7.20	3.85
Barley	5.80	3.15
Screenings	2.50	1.50

3. In paragraph (e) and immediately under the heading "Direct Delivery Sales," the per net ton prices and the per net one-half ton prices are amended to read as follows:

Size	Per net ton	Per net ½ ton
Egg, stove, nut	$12.55	$6.55
Pea	10.85	5.70
Buckwheat	9.35	4.95
Rice	8.25	4.40
Barley	6.85	3.70
Screenings	3.50	2.00

4. In paragraph (e) and immediately under the heading "Yard Sales," the per net ton prices and the per net one-half ton prices are amended to read as follows:

Size	Per net ton	Per net ½ ton
Egg, stove, nut	$11.30	$5.90
Pea	9.60	5.05
Buckwheat	8.10	4.30
Rice	7.00	3.75
Barley	5.60	3.05
Screenings	2.50	1.50

This Amendment No. 1 to Order No. 50 becomes effective as of November 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18972; Filed, November 25, 1943; 2:22 p. m.]

[Order 47 Under RMPR 122, Amdt. 3]

SOLID FUELS IN WASHINGTON AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 3 to Order No. 47 under Revised Maximum Price Regulation No. 122 solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the Washington Area and Alexandria, Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, *It is ordered*, That Order No. 47 under Revised Maximum Price Regulation No. 122 be amended in the following respects:

1. In paragraph (c) Price Schedule I—Sales on a "Direct Delivery" basis, the per gross ton and per net ton prices and the per gross one half-ton and per net one-half ton prices of Pennsylvania Anthracite are amended to read as follows:

Kind and size	Per ton		Per ½ ton	
	Gross 2,240 lbs.	Net 2,000 lbs.	Gross, 1,120 lbs.	Net, 1,000 lbs.
Pennsylvania Anthracite				
Egg, stove, nut	$15.10	$13.47	$8.05	$7.18
Pea	13.20	11.77	7.10	6.33
#1 Buckwheat	11.15	9.93	6.10	5.43
Rice (#2 buckwheat)	10.15	9.07	5.60	4.98

2. In paragraph (d) Price Schedule II—"Yard Sales", the per gross ton and per net ton prices of Pennsylvania Anthracite are amended to read as follows:

Kind and size	Consumer prices		Dealer prices	
	Gross, 2,240 lbs.	Net, 2,000 lbs.	Gross, 2,240 lbs.	Net, 2,000 lbs.
Pennsylvania Anthracite				
Egg, stove, nut	$14.10	$12.58	$12.55	$11.19
Pea	12.20	10.88	10.70	9.54
#1 buckwheat	10.15	9.04	8.75	7.79
Rice (#2 buckwheat)	9.15	8.18	7.70	6.88

3. In paragraph (f) Price Schedule IV—Alexandria, Virginia, the per net ton prices and per net one-half ton prices of Pennsylvania Anthracite are amended to read as follows:

Kind and size	Quantity	
	Per net ton	Per ½ ton
Pennsylvania Anthracite		
Egg, stove, nut	$13.95	$7.50
Pea	12.40	6.70
#1 Buckwheat	10.45	5.75
Rice (#2 Buckwheat)	9.75	5.40

This amendment No. 3 to Order No. 47 under Revised Maximum Price Regulation No. 122 shall become effective as of November 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18973; Filed, November 25, 1943; 2:22 p. m.]

Regional and District Office Orders.

[Region IV Order G-30 Under 18 (c) of GMPR]

FIREWOOD IN FLOYD COUNTY, GA.

Adjustment of maximum price for firewood sold by sellers located in Floyd County, Georgia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) On and after the effective date of this order, any seller located within the geographical limits of Floyd County, Georgia, may sell and offer to sell firewood at prices no higher than the following: The following schedule of prices apply to retail sales only. These prices include delivery and unloading at the customary receiving point of the purchaser.

Regular pine or hardwood stovewood, split and cut into lengths of approximately 14 inches, $9.50 per cord.

Regular pine or hardwood fireplace wood, not split but cut into lengths fit for fireplace use, $8.50 per cord.

Slab or strip wood left as a by-product of lumber mill operations, cut into lengths of approximately 14 inches, $7.50 per cord.

In pricing a sale of a half cord or more, but less than one cord, add 50¢ per cord to the above price. In pricing a sale of less than a half cord, add $1.50 per cord to the price schedule above.

(b) Lower prices than those provided herein may be charged.

(c) *Definitions.* (1) Except as provided herein, and unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(d) The seller herein named shall keep posted at a conspicuous place in his place of business a copy of this order and opinion.

(e) Except as otherwise provided herein, all transactions subject to this order shall remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations and orders that heretofore have been, or hereafter may be, issued.

(f) This order may be revoked, amended or corrected at any time.

(g) This order shall become effective on August 23, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued August 17, 1943.

JAMES C. DERIEUX,
Regional Administrator.

[F. R. Doc. 43-18964; Filed, November 25, 1943; 12:13 p. m.]

[Region V Rev. Order G-4 Under 18 (c) of GMPR]

PRICES FOR BREAD SOLD IN TARRANT COUNTY, TEXAS

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 18, paragraph (c) of the General Maximum Price Regulation, as amended, and the approval of the Director of the Office of Economic Stabilization having first been obtained, *It is hereby ordered:*

(a) The maximum prices for any seller in Tarrant County, Texas, for the following kinds of bread manufactured by Newman-Reich Baking Company, Fort Worth, Texas, Taystee Baking Company, Fort Worth, Texas, and Mrs. Baird's Bakery, Fort Worth, Texas, shall be the prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation or the maximum prices specified below:

Net weight per loaf	Sales at wholesale	Sales at retail
	Cents	*Cents*
1 lb., white or wheat	7½	9
1½ lb., white or wheat	9½	11
1½ lb., white pullman	11½	
1½ lb., wholewheat pullman	11½	
3 lb., white pullman	23	
4½ lb., white pullman	34	

(b) The maximum prices for any seller in Tarrant County, Texas, for the following kinds of bread manufactured by Leonard's, Fort Worth, Texas, shall be the prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation or the maximum prices specified below:

Net weight per loaf	Sales at wholesale	Sales at retail
		Cents
1 lb., white or wheat		5
1½ lb., white or wheat		8

(c) The maximum prices for any seller in Tarrant County, Texas, for the following kinds of bread manufactured by Safeway Stores, Inc., Dallas, Texas, shall be the prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation or the maximum prices specified below:

Net weight per loaf	Sales at wholesale	Sales at retail
		Cents
1 lb., white or wheat		6
1½ lb., white or wheat		9

(d) *Other kinds of bread.* Except as specified herein, maximum prices for all sales of bread shall remain subject to the provisions of the General Maximum Price Regulation.

(e) This revised order is subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any amendment or supplement hereafter issued to any price regulation, the provisions of which may be contrary hereto.

This revised order shall become effective on the 12th day of November, 1943.

(Pub. Laws 421 and 729; 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 10th day of November 1943.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 43-18962; Filed, November 25, 1943; 12:14 p. m.]

[Region VI Order G–10 Under S. R. 15 to GMPR and MPR 280]

MILK IN FAIRFIELD, ILL.

Order No. G–10 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280 maximum prices for specific food products. Adjustment of fluid milk prices for Fairfield, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 (a) of Maximum Price Regulation No. 280, *It is ordered:*

(a) *Maximum prices for sales at wholesale in bulk.* The maximum price for the sale and delivery of fluid milk at wholesale in bulk in the Fairfield, Illinois, area shall be 40¢ per gallon, or the seller's maximum price as determined under paragraph 1499.2 of the General Maximum Price Regulation or by or pursuant to any regulation supplementary thereto, whichever is higher.

(b) *Maximum prices in bottles and paper containers.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Fairfield, Illinois, area shall be the seller's maximum price as determined under paragraph 1499.2 of the General Maximum Price Regulation or pursuant to any regulation supplementary thereto, or the applicable adjusted price specified in the schedule set forth below, whichever is higher:

(1) *Standard butterfat milk and chocolate milk.*

Container size	Wholesale	Retail
	Cents	*Cents*
Gallon	40	44
Half-gallon	20	24
Quarts	10½	12½
Pints	6	-------
Half-pints	3	-------

(2) *Buttermilk.*

Container size	Wholesale	Retail
Quarts	8	10

(c) *Fractional cents.* When the adjusted maximum price for a sale of a single unit results in a figure containing a fraction of a cent, the figure should be adjusted to the next higher full cent in the case of a fraction of ½ cent or more and must be adjusted to the next lower full cent in the case of a fraction of less than ½ cent. On all sales of more than one unit, (including all sales on which payment is made at the end of a certain period such as a week or a month regardless of the size or number of deliveries during the period), the maximum price containing the fraction shall be multiplied by the number of units.

For example: The price for a sale of one quart of standard milk at retail will be 13¢; 2 quarts at retail 25¢; 10 quarts at wholesale $1.05; 10 quarts at retail on a monthly bill $1.25:

(d) *Definitions.* For the purpose of this order:

(1) Sales and deliveries within the Fairfield, Illinois, area shall mean:

(i) All sales made within the city limits of Fairfield, Illinois, and all sales at or from an establishment located in Fairfield, Illinois, and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Fairfield, Illinois.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purpose of this Order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(e) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall apply.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–18961; Filed, November 25, 1943; 12:14 p. m.]

[Region VI Order G–17 Under MPR 329]

FLUID MILK IN DESIGNATED COUNTIES IN ILLINOIS

Order No. G–17 under Maximum Price Regulation No. 329. Purchase of milk from producers for resale as fluid milk. Producers milk prices in Jackson, Franklin and Williamson Counties, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (b) of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price which distributors may pay to producers for milk sold for human consumption in fluid form shall be $3.00 per cwt. for 4% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 4% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 4%.

(b) This order shall apply to all purchases of milk by distributors whose bottling plants are located within the counties of Jackson, Franklin, and Williamson, Illinois, or who sell 50% or more of the milk bottled by them in such counties.

(c) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) This order may be revoked, amended or corrected at any time.

This order shall be effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–18967; Filed, November 25, 1943; 12:16 p. m.]

[Region VII Order G–21 Under RMPR 122]

FREIGHT ALLOWANCE ON COAL IN DENVER REGION

Order No. G–21 Under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Emergency freight allowance on Routt County, Colorado, coal sold in Region VII.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.259 (a) (1) of Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Order No. G–21 is issued.

(a) *Emergency freight allowance.* During the effective period of this Order No. G–21, any dealer selling coal produced in Subdistricts 4 and 5 of District 17, commonly known to the trade as Routt County Coal, at any place in the States of New Mexico, Colorado, Wyoming, Montana, and Utah, or in that part of the State of Idaho lying south of the northern boundary of Idaho County, or in the Counties of Harney and Malheur of the State of Oregon, or in that part of the Counties of Mohave and Coconino of the State of Arizona lying north of the Colorado River, the same being all that area contained within Region VII, may add to his maximum price the amount of the additional freight actually paid by him because of the necessity of routing the shipment of such coal from the mine under Item 1565, Supplement 17 to the D & R G W Tariff 6372–9, during the period of November 1 to December 15, 1943, due to the suspension of traffic into Denver over the Denver and Salt Lake Railroad by reason of the fire in Tunnel No. 10 on that line; *Provided,* And only upon the condition that such dealer shall make at the time he receives any such carload shipment of coal, and before any sale is made therefrom, a record showing the name of the producer, the date on which, and the place from which, the car was loaded and shipped and the net weight of the shipment, and shall make a record of all sales of such coal at such higher price, showing the grade or class of coal, the weight thereof, the date of sale, and the name of the purchaser, and shall note on the sales slip or other written memorandum of each sale transaction the amount added thereto for such emergency freight

allowance: *And provided further,* That such dealer shall preserve and safely keep all such records, together with his original receipted freight bill and his sales slips or other written memoranda of his sales transactions for a period of one year after the Emergency Price Control Act of 1942, as amended, ceases to be in force and effect and shall make the same available at his place of business for inspection by any duly authorized representative of the Office of Price Administration during business hours.

(b) *Term of order.* This Order No. G–21 shall be effective retroactively as of November 1, 1943, and continuously thereafter to and including the 31st day of December, 1943, whereupon, at the hour of 11:59 p. m., it shall ipso facto and without any affirmative action whatsoever on the part of the Regional Administrator cease and determine and be of no further force and effect, except that its then termination shall be subject to the terms and provisions of Supplementary Order No. 40.

(c) *Right to revoke or amend.* This Order No. G–21 may be revoked, modified, or amended at any time during the term thereof by the Price Administrator or the Regional Administrator.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November, 1943.

R. BATTERTON,
Acting Regional Administrator.

[F. R. Doc. 43–18963; Filed, November 25, 1943; 12:13 p. m.]

[Region VIII Rev. Order G–22 Under 18 (c) of GMPR]

TRANSPORTATION OF MANUFACTURING MILK, CALIFORNIA

Revised Order No. G–22 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of manufacturing milk by carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G–22 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended and revised so as to read in its entirety as follows:

(a) The adjusted maximum price which may be charged by any carrier other than a common carrier for the service, rendered to any manufacturing milk processor whose plant is located in any of the counties in California named below, of hauling manufacturing milk by truck to such plant, shall be that carrier's original maximum price, plus an addition computed as follows:

(1) The amount of the addition may equal 10% of the carrier's original maximum price, plus such further amount as shall be necessary so that the addition shall compensate the carrier for the increase during the first five months of 1943 over the first five months of 1942 in the cost to the carrier of fuel and lubrication, repair and maintenance, tires and tubes, and labor (including labor supplied by the individual or partners owning or operating the truck, computed at the wage rates paid by the carrier to employees performing similar service, or, if the carrier had no such employees, then at the wage rates paid by the most nearly similar carrier to employees performing similar service), but the additions shall not in any event exceed 15% of the original maximum price.

(2) The addition shall never exceed the rate increase which the manufacturing milk processor shall agree to absorb as provided in paragraph (b).

(b) Before any carrier shall become entitled to charge an adjusted maximum price determined under this revised order, there must be filed with the District Office of the Office of Price Administration having jurisdiction over the locality in which the processor's plant is situated, in duplicate, the following:

(1) A statement signed by the carrier stating his original maximum price, the proposed adjusted maximum price computed under paragraph (a), and where the addition to the original maximum price exceeds 10%, the nature and amount of the cost increases upon which the proposed adjustment is based.

(2) A statement signed by the manufacturing milk processor certifying that he is willing to pay the higher price proposed by the carrier, that the processor will not pass on the increase in the carrier's price in any form to any of his customers, that the processor will not use the increased price in any way as the basis for an application for adjustment of his maximum price for any commodity or service, and that any application filed by the processor will be filed upon the basis of the maximum price for the transportation service as established by the General Maximum Price Regulation as amended.

(c) Where the amount of the addition does not exceed 10%, the carrier may charge the adjusted maximum price after the filing of the statements described in paragraph (b); otherwise, the carrier may charge the adjusted maximum price only after the appropriate District Office of the Office of Price Administration shall have approved the statements filed by such carrier as provided in paragraph (d).

(d) When any carrier shall file the statements described in paragraph (b), and the amount of the addition to the original maximum price shall exceed 10%, the appropriate District Office shall approve the statements if they show that the requirements of this revised order have been met, and shall disapprove them if they do not. Such approval or disapproval may be in the form of a letter addressed to the carrier and signed by the District Director. If the appropriate District Office should, within 15 days from the filing of the statements, fail to approve or disapprove them, they shall be deemed approved.

(e) This order shall be applicable to carriers other than common carriers hauling milk to manufacturing milk processing plants located in any of the following counties in the State of California: Alpine, Amador, Butte, Calaveras, Colusa, Eldorado, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

(f) *Definitions.* For the purposes of this order:

(1) "Manufacturing milk" means liquid cow's milk in a raw unprocessed state which is purchased by a milk manufacturing plant.

(2) A "milk manufacturing plant" includes any plant which, during the calendar month preceding the filing of the statements described in paragraph (b) of this order, used at least 35% of the milk purchased by it for purposes other than resale for human consumption as fluid milk.

(3) The term "original maximum price" means the maximum price established for the carrier by the General Maximum Price Regulation as amended, but does not include any adjustment previously allowed to the carrier under the original Order No. G–22 prior to the effective date of the revised order or under Supplementary Regulation No. 15 to the General Maximum Price Regulation.

(4) The terms "10%" and "15%" of the original maximum price shall include such further amount as shall be necessary to bring a resulting fractional adjusted maximum price to the next higher full cent where the rate is expressed per hundredweight of whole milk, or to the next higher quarter-cent where the rate is expressed per pound butterfat.

(g) Any adjusted maximum price which has been approved under the original Order No. G–22 prior to the effective date of this revised order shall remain effective notwithstanding the present revision, and no carrier who has obtained such an adjusted maximum price need file the statements described in paragraph (b) of this revised order unless he seeks a further adjustment under the terms of this revised order.

(h) This order may be revoked, amended or corrected at any time.

This revised order shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 20th day of November 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43–18966; Filed, November 25, 1943; 12:15 p. m.]

[Region VIII Order G–73 Under 18 (c) of GMPR]

CERTAIN FIREWOOD IN LATAH COUNTY, IDAHO AND WHITMAN COUNTY, WASH.

For the reasons set forth in an opinion issued simultaneously herewith and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) With respect to the sales and deliveries of certain specified kinds of firewood and with respect to the service of sawing certain firewood in the areas hereinafter described, the maximum prices established by sections 2 and 3 of the General Maximum Price Regulation, or by any previous order issued pursuant to such regulation, or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraphs (b), (c), (d), and (e) hereof.

(b) In Latah County, Idaho, and in Whitman County, Washington, the maximum price for sales by the producer of green or dry fir, tamarack, and pine forest wood in 4-ft. lengths delivered in the wood lot where produced in a place reasonably accessible to motor trucks over existing private or public roads shall be $8.00 per cord.

(c) Where deliveries are made in the several areas hereinafter described, the maximum prices for sales of green or dry fir, tamarack, and pine forest wood delivered to the consumer's premises shall be those prices set forth below opposite the particular description of each such area:

Area	Maximum price per cord for 4 ft. wood	Maximum price per cord for wood in 16 in. lengths or shorter
The City of Colfax, Washington, and the area within 5 miles thereof	$13.00	$15.00
The City of Farmington, Washington, and all areas in Whitman County within 5 miles thereof	11.00	13.00
The City of Garfield, Washington, and the area within 5 miles thereof	11.00	13.00
The City of Genesee, Idaho, and all areas in Latah County within 10 miles thereof	11.50	13.50
The City of Moscow, Idaho, and the area within 4 miles thereof	11.50	13.50
The City of Oakesdale, Washington, and the area within 5 miles thereof	12.00	14.00
The City of Palouse, Washington, and the area within 5 miles thereof	11.00	13.00
The City of Pullman, Washington, and the area within 5 miles thereof	12.50	14.50
The City of Tekoa, Washington, and all areas in Whitman County within 5 miles thereof	11.00	13.00
All parts of Latah County, Idaho, not included in the above areas	10.00	12.00

(d) In said Latah County and Whitman County, the maximum price for sawing fir, tamarack, and pine forest cordwood from 4 ft. lengths to lengths of 16 in. or shorter shall be $1.50 per cord.

(e) The maximum prices for mixed mill slabwood shall be as follows:

(1) For sales of green or dry wood in 16 in. lengths or shorter in the City of Colfax, Washington, and within 5 miles thereof:

(i) For wood delivered to the consumer's premises, $10.00 percord.

(ii) For wood sold f. o. b. seller's distribution yard, $8.50 per cord.

(2) For sales of wood in 16 in. lengths or shorter delivered to the consumer's premises in the City of Palouse, Washington, and within 5 miles thereof:

(i) For green wood, $7.00 per cord.

(ii) For dry wood, $10.00 per cord.

(f) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(g) Lower prices than the maximum prices established by this order may be charged, demanded, offered, or paid.

(h) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(i) Order No. G–58 under §1499.18 (c), as amended, of the General Maximum Price Regulation, issued by this office on September 20, 1943, is hereby revoked.

(j) This order may be revoked, amended, or corrected at any time. This order shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of November, 1943

BEN C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 43–18965; Filed, November 25, 1943; 12:15 p. m.]

[Region IV Order G–11 Under RMPR 122]

SOLID FUELS IN VIRGINIA

Correction

In F.R. Doc. 43–18161, appearing on page 15504 of the issue for Friday, November 12, 1943, the phrase "law volatile bituminous coal" in paragraph (9), third column, page 15505, should read "low volatile bituminous coal."

[Region VII Order G–49 Under 18 (c)]

FIREWOOD IN NEW MEXICO

Correction

In F.R. Doc. 43–18429, appearing on page 15679 of the issue for Wednesday, November 17, 1943, the price for cord wood, 4' lengths, in paragraph (e) (2) should read $6.75 per cord.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following order under General Order 51 was filed with the Division of the Federal Register on November 23, 1943.

REGION V

Shreveport, Order No. 10, filed 4:08 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on November 24, 1943.

REGION IV

Jackson, Order No. 6, Amendment No. 10, filed 4:38 p. m.

Savannah, Order No. 12, Amendment No. 1, filed 4:38 p. m.

REGION VI

Fargo-Moorhead, Order No. 19, filed 4:37 p. m.

Fargo-Moorhead, Order No. 20, filed 4:37 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 43–18995; Filed, November 26, 1943; 11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59–38, 54–84]

UNITED PUBLIC UTILITIES CORP., ETC., AND LOUISIANA ICE SERVICE, INC.

NOTICE OF FILING, ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of November 1943.

In the matter of United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59–38; United Public Utilities Corporation, Louisiana Ice Service, Inc., File No. 54–84.

The Commission having, by order dated March 4, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directed, among other things, that United Public Utilities Corporation ("UPU"), a registered holding company, divest itself of all its interest in, and in the properties and assets owned or operated by its subsidiary, Louisiana Ice Service, Inc. ("Louisiana"), and said order having provided that the respondents should make application to the Commission for the entry of such further orders as might be necessary or appropriate for the purpose of carrying out the provisions of the above-mentioned order; and

The Commission having granted an extension of time until March 4, 1944 within which to comply with its order of March 4, 1942;

Notice is hereby given that UPU and Louisiana have filed with this Commission an application and declaration designated as Application No. 4 pursuant to sections 11 (b), 11 (e), 12 (c) and 12 (f) of the Act and Rules U–42 and U–46 thereunder with respect to various proposed transactions designed to accomplish the divestment of all the interest of UPU in Louisiana. All interested persons are referred to said application and declaration, which are on file at the office of this Commission for a statement of the transactions thereunder proposed, which are summarized as follows:

(1) UPU proposes to sell to W. J. Small of Neodosha, Kansas, for approximately

$444,500, as of October 31, 1943, its investment in Louisiana, consisting of the following securities at the prices stated:

(a) Louisiana's 6% promissory note, dated January 1, 1937 and due January 1, 1945, in the principal amount of $857,288.12, for the sum of $298,500 plus an amount equal to the net current assets of Louisiana at October 31, 1943, estimated at $144,500.

(b) All of Louisiana's capital stock, consisting of 1,500 shares of $100 par value, for the sum of $1,500.

(2) The buyer has the option of using either one of two methods of payment of the aggregate purchase price at the settlement date, namely:

(a) Cash in full for the amounts previously set forth; or

(b) Upon a deferred payment plan under which buyer may, upon written notice to seller not less than five days prior to settlement date, pay $100,000 cash at settlement, two instalments of $100,000 each on December 1, 1944 and December 1, 1945, and the balance (estimated at $144,500) on December 1, 1946, with interest from December 1, 1943 on deferred instalments at the rate of 5% per annum payable annually; the deferred instalments to be evidenced by buyer's purchase money notes which are to be secured by the Louisiana note and stock.

(3) UPU proposes to deposit all of the proceeds, whether cash or purchase money notes, after expenses, from the foregoing transaction with the Provident Trust Company of Philadelphia, Trustee under the Trust Indenture dated January 1, 1935 securing UPU's 6% Series A and 5% Series B Collateral Trust Bonds due January 1, 1960. The cash received at settlement estimated at $441,000, net of expenses, if the purchase price is paid in full in cash at that time, or $96,500 if the deferred payment plan is adopted, will be used to purchase such bonds on the open market at prices not to exceed 104% plus accrued interest. If the cash proceeds on deposit with the Trustee are not exhausted by April 20, 1944 by such purchases, UPU proposes that the balance of the cash proceeds be applied to the redemption of such bonds at 104% on July 1, 1944. If the Commission approves the proposed plan, UPU proposes that this Commission, upon request of UPU, to apply to a court to enforce and carry out the terms and provisions of the Plan with respect to the redemption of bonds.

Applicants have requested that Application No. 4 be consolidated with Application No. 3 previously filed in so far as both of said applications deal with the disposition of proceeds resulting from the sale of property and have represented that such matters can be more expeditiously dealt with as part of a single plan under section 11 (e) of the Act.

It appearing to the Commission that the transactions proposed in Application No. 4 involve matters of fact and issues of law common to similar transactions proposed in Application No. 3 relating to Alabama United Ice Company, and that such matters can be more expeditiously dealt with as part of a single plan under section 11 (e) of the Act as provided in the plans embodied in applications numbered 3 and 4, and for this purpose should be consolidated; and it further appearing that it is appropriate in the public interest and in the interest of investors and consumers that a consolidated hearing be held in respect to such matters, and that said declaration shall not become effective, nor said application be granted except pursuant to further order of the Commission;

It is ordered, That a consolidated hearing be held upon such matters on December 9, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the Hearing Room Clerk in Room 318 will advise as to the room where such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of the Rules of Practice, on or before December 7, 1943.

It is further ordered, In accordance the provisions of Application No. 4 that Applications Nos. 3 and 4, in so far as said applications deal with the disposition of proceeds resulting from the sale of property, be, and are hereby, consolidated and shall be dealt with as a single plan under section 11 (e) of the Act.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose shall preside at the hearings on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by this proceeding, attention will be directed at the hearings to a consideration of the following matters and questions:

1. Whether the proposed transactions are consistent with, and appropriate to carry out, the order of the Commission dated March 4, 1942, as extended and are consistent with the public interest and the interest of investors.

2. What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to insure compliance with the requirements of the Public Utility Holding Company Act and the Rules and Regulations or Orders promulgated thereunder.

3. Generally, whether the proposed transactions comply in all respects with the applicable provisions of the Act and the Rules thereunder.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to United Public Utilities Corporation, Louisiana Ice Service, Inc., Provident Trust Company of Philadelphia, Trustee under the Trust Indenture, and to W. J. Small, of Neodesha, Kansas, the proposed buyer, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-18979; Filed, November 26, 1943; 10:16 a. m.]

[File Nos. 54-55, 59-51, 70-803]

SOUTHERN COLORADO POWER CO.

ORDER APPROVING SECOND AMENDED PLAN FOR RECAPITALIZATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of November 1943.

Proceedings having been instituted by the Commission pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 with respect to Southern Colorado Power Company, a public-utility subsidiary of Standard Gas and Electric Company, a registered holding company, and declarations and applications having been filed by Southern Colorado Power Company under sections 7, 11 (e), and 12 (c) of said Act;

All the foregoing proceedings having been duly consolidated by order of the Commission; hearings having been held after appropriate notice; and the Commission having been fully advised and having entered its Findings and Opinion on August 23, 1943, its Memorandum Opinion and Order on November 4, 1943 and its Supplemental Findings and Order pursuant to Rule U-50 on November 17, 1943, and its Supplemental Findings Approving Second Amended Plan for Recapitalization this day;

It appearing that the Second Amended Plan for Recapitalization, as amended, of Southern Colorado Power Company provides for a fair and equitable recapitalization of said company for the purpose of fairly and equitably redistributing voting power among its security holders, conforming with the Commission's Findings and Opinion of August 23, 1943, and providing, among other things, for the following transactions:

(a) The issuance by Southern Colorado Power Company of 425,160 shares of new Common Stock, no par value, in place of 42,516 shares of presently outstanding 7% Cumulative Preferred Stock and all unpaid dividend accumulations thereon;

(b) The issuance by Southern Colorado Power Company of 22,000 shares of said new Common Stock in place of 110,000 shares of presently outstanding Class A Common Stock;

(c) The issuance by Southern Colorado Power Company of 5,000 shares of said new Common Stock to be held in the treasury of said company which shares will be available for possible exchange for 75,000 shares of presently outstanding Class B Common Stock in

accordance with the Second Amended Plan;

(d) The Surrender of 75,000 shares of presently outstanding Class B Common Stock; and

(e) The issuance, transfer and exchange of scrip of Southern Colorado Power Company to the extent necessary to carry out the Second Amended Plan; and Southern Colorado Power Company having requested that the Commission enter herein its order approving said Second Amended Plan, and that the Commission's order conform to, and set forth the recitals specified in section 1808 (f) of the Internal Revenue Code as amended;

The Commission finds that the foregoing transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and to make effective the Commission's order herein; *And it is hereby ordered*, Subject to the terms and conditions enumerated below:

(1) That pursuant to section 11 (e) of said Act, said Second Amended Plan for Recapitalization, as amended, be and it hereby is approved;

(2) That the accounting entries submitted by the applicant necessitated by the various transactions comprising the said Plan are approved under the applicable Sections of the Act; and

(3) That the issuance and exchanges of securities above described be and they hereby are authorized, permitted and approved to effectuate the provisions of section 11 (b) of said Act within the meaning of section 373 (a) of the Internal Revenue Code as amended.

This order is subject to the following terms and conditions:

1. That jurisdiction be and it hereby is reserved to the Commission to approve, disapprove, modify, allocate or award by further order or orders all fees and expenses incurred or to be incurred in connection with said Plan, the transactions incident thereto, and the consummation thereof, except the fees and expenses in connection with the refunding of Southern Colorado Power Company's First Mortgage Gold Bonds, Series A, 6%, due July 1, 1947, jurisdiction as to which was released by order of the Commission dated November 17, 1943;

2. That jurisdiction be and it hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action, as it may deem appropriate in connection with the Plan, the transactions incident thereto, and the consummation thereof and, in the event the Plan be not consummated, to enter such further orders as it may deem appropriate under sections 11 (b) (2), 15 (f) and 20 (a) of the Act; and

(3) That this order shall not be operative to authorize the consummation of transactions proposed in the Plan until an appropriate federal district court shall, upon application thereto, enter an order enforcing such Plan.

Southern Colorado Power Company, pursuant to the provisions of section 11 (e) of the Act, having requested the Commission to apply to a court in accordance with the provisions of subsection (f) of section 18 of the Act to enforce and carry out the terms and provisions of the Plan: *It is hereby ordered*, That counsel for the Commission be, and they are hereby authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court to enforce and carry out the terms and provisions of the Plan, pursuant to the provisions of section 11 (e) and in accordance with the provisions of section 18 (f) of the Act and the request duly filed herein by Southern Colorado Power Company.

It is further ordered, That within 30 days after the distribution date as fixed by the Board of Directors, in accordance with the Plan, the applicant shall file a Certificate of Notification advising the Commission of the steps which have been taken to consummate the Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18980; Filed, November 26, 1943; 10:16 a. m.]

[File No. 70-814]

GENERAL GAS & ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of November 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company; and

All interested persons are referred to the said declaration which is on file in the office of the said Commission for a statement of the transaction therein proposed, which is summarized below:

General Gas & Electric Corporation, a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a quarterly dividend on its $5 Prior Preferred Stock for the quarterly period ended December 15, 1942. As proposed, the amount of the dividend on the 60,000 outstanding shares of this stock will be $75,000, of which approximately $40,125 will be paid to the public holders of 32,110.9 shares. The declaration as filed states that the remaining 27,889.1 shares outstanding are held by the Trustees of Associated Gas and Electric Corporation, who are to waive their right to the receipt of the dividend, which would otherwise be payable to them.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission promulgated thereunder be held on December 1, 1943, at 9:45 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before November 29, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed declaration of a quarterly dividend out of the capital or unearned surplus of General Gas & Electric Corporation is appropriate and in the public interest and the interest of investors;

(2) What terms or conditions, if any, should be imposed in the public interest or for the protection of investors;

(3) Whether the proposed action to be taken complies with the provisions of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18981; Filed, November 26, 1943; 10:16 a. m.]

[File No. 612-335]

CONSOLIDATED INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of November, A. D. 1943.

In the matter of Consolidated Investment Trust, Knott C. Rankin, and Ardrey E. Orff.

An application having been filed by Consolidated Investment Trust, a registered investment company, for an order under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) of the Act, the proposed sale by it to Knott C. Rankin and Ardrey E. Orff, affiliated persons of an affiliated person of the applicant, of $87,500 principal amount first mortgage six percent income bonds (due in 1955) and 1,655 shares of no par value common stock of the Rockland-Rockport Lime Co., Inc., an affiliated person of the applicant, for $12,500 payable $2,500 in cash and $10,000 in 4% notes payable within five years,

It is ordered, Pursuant to section 40 (a) of said Act that a hearing on the aforesaid application be held on December 6, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing of such matter. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18982; Filed, November 26, 1943; 10:16 a. m.]

[File No. 7-699]

BOSTON STOCK EXCHANGE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of November, A. D., 1943.

In the matter of application by the Boston Stock Exchange for permission to extend unlisted trading privileges to Sylvania Electric Products, Inc., Common Stock, No Par Value.

The Boston Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Sylvania Electric Products, Inc.;

After appropriate notice a hearing having been held in this matter at the Boston Regional Office of the Commission; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Sylvania Electric Products, Inc. be and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18983; Filed, November 26, 1943; 10:16 a. m.]

[File No. 1-1464]

REITER-FOSTER OIL CORP

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of November, A. D. 1943.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike the Common Stock, 50¢ Par Value, of Reiter-Foster Oil Corporation from listing and registration on that exchange;

Hearing having been convened in this matter on October 25, 1943, and having been continued to November 24, 1943; and

The New York Curb Exchange having requested under date of November 18, 1943, that it be permitted to withdraw its application;

It is ordered, That the applicant exchange be and hereby is permitted to withdraw said application;

It is further ordered, That the hearing scheduled for November 24, 1943, be and hereby is canceled.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18978; Filed, November 26, 1943; 10:16 a. m.]

WAR PRODUCTION BOARD.

[Certificate 2, Revocation]

USE OF ASPHALT OR TAR PRODUCTS ON ROADS OR HIGHWAYS

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated July 1, 1942, concerning Recommendation No. 45, amended, of the Deputy Petroleum Coordinator for War.

DONALD M. NELSON, *Chairman.*

NOVEMBER 23, 1943.

[F. R. Doc. 43-18997; Filed, November 26, 1943; 11:33 a. m.]

[Certificate 17, Revocation]

RECOMMENDATION OF THE PETROLEUM COORDINATOR FOR WAR

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdraw my certificate and finding dated September 29, 1942, concerning Recommendation No. 45, amended, dated October 5, 1942, of the Petroleum Coordinator for War.

DONALD M. NELSON, *Chairman.*

NOVEMBER 23, 1943.

[F. R. Doc. 43-18996; Filed, November 26, 1943; 11:33 a. m.]

[Certificate 185]

NEWSPAPER DELIVERY IN NEW YORK CITY AREA

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by The New York Journal-American and certain others in the transportation and delivery by motor vehicle of newspapers in the New York City area.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

NOVEMBER 18, 1943.

[F. R. Doc. 43-18998; Filed, November 26, 1943; 11:33 a. m.]

[Certificate 186]

COMMON CARRIERS, TUCSON, ARIZ.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith Supplementary Order ODT 6A-11 issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of City Transfer Company and certain other local carriers of property by motor vehicle within an area comprised of the City of Tucson, Arizona, and a zone extending twenty-five miles from the boundaries thereof.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-11 is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman.*

NOVEMBER 18, 1943.

[F. R. Doc. 43-18999; Filed, November 26, 1943; 11:33 a. m.]

[Certificate 187]

RETAIL MILK DISTRIBUTORS IN KEOKUK, IOWA

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by J. W. Peterson and certain others in the transportation and delivery of milk by motor vehicles in Keokuk, Iowa.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance

[1] *Supra.*

with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 42-19000; Filed, November 26, 1943; 11:34 a. m.]

[Certificate 188]

FLORISTS IN PHILADELPHIA, PA.

APPROVAL OF JOINT ACTION PLAN

The ATTORNEY GENERAL.

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by H. H. Battles and certain others in the transportation and delivery by motor vehicle of flowers and related articles in Philadelphia, Pennsylvania, and suburbs.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 18, 1943.

[F. R. Doc. 43-19001; Filed, November 26, 1943; 11:34 a. m.]

WAR SHIPPING ADMINISTRATION.

REVISED PROGRAM OF SHIP REQUISITION, CHARTER AND OPERATION

NOTICE TO ALL OWNERS OF VESSELS CHARTERED TO THE WAR SHIPPING ADMINISTRATION

In order to simplify administration, increase efficiency and minimize problems arising out of the existing uncertainties concerning applicable standards for charter rates and total loss valuations, the War Shipping Administration has adopted a program of ship requisition, charter and operation as set forth in the notice dated October 15, 1943 and published in the FEDERAL REGISTER of October 20, 1943 which is hereby revised as of October 15, 1943 to read as follows:

(a) *Preliminary.* (1) Pursuant to section 902 of the Merchant Marine Act, 1936, as amended, the Administrator will requisition the use of all freighters, tankers, passenger ships and other self-propelled vessels referred to below. The requisition will be on a bareboat basis but the owners may elect to operate under a modified time form of charter. The revised forms of bareboat and time charters for freighters and tankers will be published as soon as practicable. The revised form of charter for passenger vessels has heretofore been issued. The purpose of this notice is to advise owners of this change in policy which will be effected by selective telegraphic communications to such owners and shall apply only to vessels named therein. Vessels of 1,000 gross tons and under will not be included in such requisition except in special cases. This communication also constitutes notice to all owners of the termination of all such existing charters as of date of delivery under requisition made pursuant to this notice as hereinafter provided. This communication also incorporates notice of a request by the Administrator for redetermination of the rates of charter hire set forth in all existing time charters. Any modification in rates adopted pursuant to said notification and pursuant to terms of said charter parties shall be effective December 1, 1943.

(2) The President has, by Executive Order No. 9387 dated October 15, 1943, created the Advisory Board on Just Compensation, which will establish fair and equitable standards of general applicability for the guidance of the Administrator in determining the just compensation to be paid for all vessels requisitioned, purchased, chartered or insured by the Administrator. Upon the conclusion of the deliberations of this Board, the Administrator will tender fixed rates and values pursuant to the applicable provisions of law and take such action as may be appropriate in the circumstances.

(3) The Administrator is prepared to withdraw the aforesaid notice of requisition, termination of charters and redetermination of rates with respect to certain classes of vessels upon the conditions hereinafter set forth and without prejudice to any future action by the Administrator.

(b) *Vessels chartered to the Administration*—(1) *Executed time or bareboat charters with fixed rates of hire.* Except as herein otherwise provided, owners are hereby advised that the possession and use of vessels now operating under executed time or bareboat charters with fixed rates of hire will be requisitioned on a bareboat charter basis pursuant to section 902 of the Merchant Marine Act of 1936, as amended. Owners of such vessels desiring to continue under the existing form of operation may avail themselves of the provisions of paragraph (g) in which event the above notice of requisition, termination, and redetermination will be withdrawn.

Alternatively, owners of such vessels desiring to continue on the existing form of operation may defer delivery hereunder upon execution of an addendum to the existing charter in a form to be agreed upon, which addendum shall provide that the existing rates of charter hire shall be terminated effective December 1, 1943, and will further provide that where a specific war risk insurance valuation has been stated and accepted in the charter, the obligation of the United States shall be converted to one for the payment of just compensation pursuant to the laws and the Constitution of the United States effective as of the earliest delivery date under the requisition program set forth in this notice.

Owners desiring to make this election will so signify by telegraphing the Administrator as follows:

Manager, Charters and Agencies Section
War Shipping Administration
Washington, D. C.

Referring to notice dated October 15, 1943, as revised, we elect the option of continuing on existing form of operation and deferring delivery under paragraph (b) (1) thereof and agree that the rates and values covering all such vessels shall be deemed to have been adjusted in conformity with provisions of paragraph (b) (1). We further agree to execute appropriate addendum reflecting this understanding and take such other action as may be necessary to make the same effective.

In either event, such action by the owner must cover all freighters and tankers owned by him.

(2) *Unexecuted time or bareboat charters, and time or bareboat charters providing for no fixed rate of hire.* Possession and use of such vessels will be requisitioned on these same conditions as set forth in paragraph (b) (1) and the owners of such vessels will be afforded the privileges set forth in the applicable provisions of paragraphs (b) (1) and (g) hereof.

(3) *Charters of foreign flag vessels.* American parent companies of foreign subsidiary companies which are the owners of foreign flag vessels together with their subsidiaries will be notified that such charters will be terminated at such dates and upon such conditions as may be hereafter prescribed.

(c) *Delivery dates of vessels.* Unless otherwise directed by the Administrator, delivery of vessels covered by requisition telegrams which have not been withdrawn pursuant to paragraph (g) hereof or delivery of which has not been postponed pursuant to paragraph (b) hereof, will be taken in the following manner, *Provided, however,* That if it becomes impracticable in particular cases to take deliveries in the manner indicated, the Administrator may advance or postpone the dates of such deliveries:

(1) Delivery of vessels which, on December 1, 1943, are in continental ports of the United States, excluding Alaska, will, if practicable, be taken on that date unless now under executed bareboat charter in which case the delivery of such vessels in such ports on January 1, 1944 shall be taken on that date.

(2) Delivery of vessels which are in the above mentioned ports on the above mentioned delivery dates but on which a substantial amount of outbound cargo has been loaded, will be taken on termination of the next inward voyage at a continental United States port.

(3) Delivery of vessels regularly trading between or immobilized in foreign ports will be taken at such time and under such terms as the Administrator may hereafter indicate.

(4) Delivery of other vessels will be taken as soon as practicable upon completion of discharge in continental United States ports on current homebound voyages, after December 1, 1943 in case of time chartered vessels, and January 1, 1944 in the case of bareboat chartered vessels.

(d) *Arrangements upon delivery.* (1) Upon the Administration taking delivery of the vessels covered hereby, owners will be given appropriate receipts therefor.

[1] *Supra.*

Effective from the date and time specified in such receipt, the vessel shall be deemed delivered under the appropriate charter.

(2) As soon as practicable after delivery of the vessel the owner shall furnish a statement of all unrepaired damage known to the owner existing at the time of delivery, together with a report of all known casualties which may have given rise to damage subsequent to the last drydocking in a U. S. continental port and such additional information as the Administrator may require.

(3) Unless the time of survey and drydocking is postponed by the Administrator, the vessel, on or about the time of delivery and acceptance hereunder, shall be surveyed jointly by representatives of the Administrator and the owner, or by a surveyor satisfactory to both, to determine the condition of the vessel. Such survey shall include drydocking to determine the condition of the underwater parts, which survey and drydocking shall be at the expense of the Administrator, except to the extent that such expense would be recoverable under the standard American hull form of marine insurance policy by reason of an occurrence prior to delivery of the vessel to the Administration under the charter tendered. In the event of a survey by a surveyor satisfactory to both parties, the results of his survey shall be conclusive upon both parties.

(4) (i) If the vessel has been operating for the Administrator under a prior existing bareboat charter, inventories and surveys upon delivery pursuant to this notice may be waived where appropriate, and in lieu thereof the Administration will adopt the surveys and inventories of the vessel which were taken upon her delivery under the prior charter with the Administration.

(ii) If the vessel has been operating under a prior existing time charter the usual inventories of the equipment, provisions and stores on board the vessel or ashore shall be taken, except, however, that no inventories need be taken of fuel and fresh water since they are the property of the Administrator.

(5) Vessels which were operating under time charter basis prior to delivery hereunder, shall be deemed to have been withdrawn from present Time Charter Agency Agreements and assigned back to the present agent under applicable general agency agreement, if such agent is a qualified general agent, otherwise the vessels will be assigned to such other general agent as the Administrator shall determine.

(e) *Insurance provisions.* (1) Immediately upon delivery pursuant to paragraph (b) (1) owners shall cancel all forms of commercial insurance covering each vessel, effective as of the time of such delivery. The Administrator has already approached leading underwriters in order to ensure that no obstacle will be raised as to such concellations. Complete insurance instructions have been prepared and will be circulated promptly after this notice of requisition outlining the steps of an insurance nature to be taken by owners and agents or general agents.

(f) *Newly constructed vessels.* Owners of all newly constructed freighters and tankers which are hereafter delivered to them by shipyards are hereby notified that possession and use of such vessels will be requisitioned on a bareboat basis effective upon delivery to the War Shipping Administration. However, such owners may elect to operate such vessels under time form of charter on the same basis respecting other vessels of the owner treated in paragraph (g) (2) hereof by notifying the Administrator, on or before the delivery date of such vessel, of their willingness to execute Form No. 2 attached to this revised notice. Prior deliveries may be handled on the same basis by mutual consent.

(g) *Provision for withdrawal of requisition notices*—(1) *Vessels operating under executed time charters with fixed agreed rates.* The requisition notice dated October 15, 1943 and published in the FEDERAL REGISTER on October 20, 1943 (8 F.R. 14251) as revised by this notice, and telegram dated November 1, 1943, sent by the Administrator to owners pursuant to said notice will be withdrawn and cancelled as regards all of an owner's vessels operating under time charter with fixed agreed rates of hire, provided such owner elects to accept and execute the form of addendum to the existing time charters set forth in Form 1 annexed hereto. Notice of such election shall be transmitted to the Administrator by telegraphic notice executed by a duly authorized official of the owner, on or before November 30, 1943, and reading as follows:

Manager, Charters and Agencies Section,
War Shipping Administration,
Washington, D. C.

Referring to notice dated October 15, 1943, published in the FEDERAL REGISTER of October 20, 1943, as revised on November 24, 1943, and in conformity with and upon the terms and conditions set forth in paragraph (g) (1) of said revised notice, we hereby elect to accept and agree to all the terms, conditions and provisions of the addendum, Form No. 1 attached to said revised notice, and further agree to execute such addenda. The foregoing acceptance will cover all vessels owned by us operating under time charter.

If such notice of acceptance is sent, the Administrator will execute addenda in said Form No. 1 as regards each vessel covered by such notice.

The foregoing election shall be available only to owners who also elect the option set forth in paragraph (g) (2) hereinafter set forth, if applicable to any vessel owned by him.

(2) *All other vessels operating on time charter basis.* The requisition notice dated October 15, 1943 and published in the FEDERAL REGISTER on October 20, 1943 (8 F.R. 14251) as revised by this notice, and telegram dated November 1, 1943, sent by the Administrator to owners pursuant to said notice will be withdrawn and cancelled as regards all of an owner's vessels operating (i) under executed time charters containing no rates, and (ii) pursuant to time charter letter agreements, and (iii) time chartered vessels as to which no charter or other agreement has been tendered, provided such owner elects to accept and execute the agreement set forth in Form No. 2 annexed hereto. Notice of such election shall be transmitted to the Administrator by telegraphic notice executed by a duly authorized official of the owner on or before November 30, 1943, and reading as follows:

Manager, Charters and Agencies Section
War Shipping Administration
Washington, D. C.

Referring to notice dated October 15, 1943, published in the FEDERAL REGISTER of October 20, 1943, as revised on November 24, 1943, and in conformity with and upon the terms and conditions set forth in paragraph (g) (2) of said revised notice, we hereby elect to accept and agree to all the terms, conditions and provisions of Form No. 2 attached to said revised notice, and further agree to execute such agreement. The foregoing acceptance will cover all vessels owned by us operating under time charter.

If such notice of acceptance is sent, the Administrator will execute the agreement in said Form No. 2 as regards each vessel covered by such notice.

(3) *Vessels operating under executed bareboat charters with fixed agreed rates.* The requisition notice dated October 15, 1943 and published in the FEDERAL REGISTER on October 20, 1943 (8 F.R. 14251) as revised by this notice, and telegram dated November 1, 1943, sent by the Administrator to owners pursuant to said notice will be withdrawn and cancelled as regards all of an owner's vessels operating under bareboat charter with fixed agreed rates of hire, provided such owner elects to accept and execute the form of the addendum to the existing bareboat charters as set forth in Form No. 3 annexed hereto. Notice of such election shall be transmitted to the Administrator by telegraphic notice executed by a duly authorized official of the owner on or before November 30, 1943, and reading as follows:

Manager, Charters and Agencies Section
War Shipping Administration
Washington, D. C.

Referring to notice dated October 15, 1943, published in the FEDERAL REGISTER of October 20, 1943, as revised on November 24, 1943, and in conformity with and upon the terms and conditions set forth in paragraph (g) (3) of said revised notice, we hereby elect to accept and agree to all the terms and conditions and provisions of the addendum, Form No. 3 attached to said revised notice, and further agree to execute such addenda.

If such notice of acceptance is sent, the Administrator will execute addenda in said Form No. 3 as regards each vessel covered by such notice.

(4) *Vessels operating under executed bareboat charters with no fixed agreed rates, and rejected bareboat charters.* The requisition notice dated October 15, 1943 and published in the FEDERAL REGISTER on October 20, 1943 (8 F.R. 14251) as revised by this notice, and telegram dated November 1, 1943, sent by the Administrator to owners pursuant to said notice will be withdrawn and cancelled as regards all of an owner's vessels operating (i) under executed bareboat charters containing no rates and (ii) under rejected bareboat charters, provided such owner elects to accept and execute the agreement set forth in Form No. 4 an-

nexed hereto. Notice of such election shall be transmitted to the Administrator by telegraphic notice executed by a duly authorized official of the owner on or before November 30, 1943, and reading as follows:

Manager, Charters and Agencies Section
War Shipping Administration
Washington, D. C.

Referring to notice dated October 15, 1943, published in the FEDERAL REGISTER of October 20, 1943, as revised on November 24, 1943, and in conformity with and upon the terms and conditions set forth in paragraph (g) (4) of said revised notice, we hereby elect to accept and agree to all the terms, conditions and provisions of Form No. 4 attached to said revised notice, and further agree to execute such agreement.

If such notice of acceptance is sent, the Administrator will execute the agreement in said Form No. 4 as regards each vessel covered by such notice.

(5) *Payments on account.* Unless otherwise directed by the Administrator the payments on account provided for in Form 2 annexed hereto shall be a sum equal to 75 per cent of the rate of hire specified in General Order No. 8, and the payments on account provided for under Form No. 4 shall be 75¢ per deadweight ton per month, plus 75% of such of the adjustments provided by General Order 8 as the Administrator may deem appropriate. For the purposes of this paragraph the bonus provided for ships with refrigerated space under the terms of General Order No. 8 shall be deemed applicable to vessels whose refrigerated space is in excess of 50% of their cubic capacity. Arrangements for making comparable payments on account will be extended to all owners operating without adequate provision for such payment prior to the effective date of this program.

(6) *Vessels (excluding passenger vessels) operating on a bareboat basis as to which no charters have been tendered.* Owners of vessels (excluding passenger vessels) operating on a bareboat basis as to which no charters have been tendered may request the Administrator for an agreement as set forth in Form No. 4 attached to this notice providing for payments on account of just compensation equivalent to the amount set forth in paragraph (5) above.

(h) *Reservation of rights and other provisions.* (1) The Administrator reserves all rights which he may have pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or otherwise, to requisition any of the vessels referred to in this revised notice on use basis, time or bareboat, or for title at any time after December 1, 1943 and nothing in this revised notice or in any of the agreements made or entered into pursuant thereto shall be construed as an express or implied agreement prohibiting the exercise of such rights as indicated.

(2) The withdrawal referred to in paragraph (g) of this notice shall not prejudice the Administrator in any determination of just compensation for the use of the vessel and for the services required under the terms of the charter for any period subsequent to November 30, 1943, insofar as the material factor in such determination is the time subsequent to November 30, 1943, at which the vessel could or would have been lawfully taken in the absence of such withdrawal.

(3) The withdrawal referred to in paragraph (g) of this notice shall not prejudice the Administrator in any determination of just compensation for any loss or damage to the vessel subsequent to the effective date of the requisition so withdrawn, insofar as a material factor in such determination is the time subsequent to November 30, 1943, at which time the vessel would and could lawfully have been taken pursuant to such requisition notice.

(4) The use of the word "delivery" in this notice or in any documents or other agreements executed pursuant thereto shall not be deemed to imply or assert voluntary, as distinguished from involuntary, delivery in the cases to which such reference is made.

(5) Within 30 days after the date when the Administrator tenders specific rates of hire as just compensation for the use of the vessels and services required in connection therewith, the Administrator will adopt a program which will permit owners operating under time charter basis to continue or discontinue such basis of operation in the light of conditions then prevailing.

(6) Reference to the cancellation of the notice of October 15, 1943, as revised by this amended notice or the cancellation of any telegrams or other action taken pursuant thereto, shall not be deemed to refer to any of the provisions of this paragraph (h).

(i) *Status of outstanding freight commitments.* The foregoing action shall not constitute or be deemed to constitute a frustration of existing voyage charters, bills of lading, booking contracts or similar contracts of affreightment entered into on behalf of the vessel.

(j) *Modification.* The Administrator reserves the right to make such exemptions or modifications to the above program as he may deem appropriate. Any type of situation not specifically provided for in the notice will be covered by special arrangements upon request of owners.

November 24, 1943 as of October 15, 1943.

[SEAL] E. S. LAND,
Administrator.

FORM NO. 1

ADDENDUM to time charter Contract No. W. S. A. Blank dated Blank (herein called the "Charter") between the United States of America (herein called the "Charterer") acting by and through the Administrator, War Shipping Administration and Blank, Owner, (herein called the "Owner") for the hire of the MS/SS Blank (herein called the "Vessel").

First. The Notice Dated October 15, 1943, and published in the FEDERAL REGISTER for October 20, 1943, (8 F.R. 14251), as revised November 24, 1943, and the telegram dated November 1, 1943, sent by the Administrator pursuant to said Notice to the Owner, are hereby cancelled and withdrawn in so far as they concern or affect the Vessel and the Charter shall remain in full force and effect, except as expressly modified by this Addendum.

Second. The Charterer shall pay hire to the Owner as provided in the Charter, but any such payments for periods subsequent to November 30, 1943, shall be subject to adjustment as hereinafter provided, and shall be made by the Charterer and accepted by the Owner without prejudice to the rights of either party under the applicable laws and the Constitution of the United States for the payment of just compensation for the use of the Vessel and the services required under the terms of the Charter.

Third. Promptly after the announcement by the Advisory Board on Just Compensation appointed by the President by Executive Order No. 9387 of standards, formulae and rules of just compensation, the Administrator, War Shipping Administration, will tender to the Owner a statement of the rate of hire which in the judgment of the Administrator will be just compensation for the use of the Vessel and for the services required under the terms of the Charter for the period commencing from December 1, 1943. If the rate of hire so tendered is accepted by the Owner, such rate of hire shall be the rate of hire payable under the Charter, for the period commencing from December 1, 1943, and in such event, paragraph C of Part I of the Charter shall be deemed amended accordingly. If the Owner does not accept the rate of hire so tendered within thirty days from the date of tender, the Owner shall be entitled to just compensation under the applicable laws and the Constitution of the United States for the use of the Vessel and for the services required under the terms of the Charter for the period commencing from December 1, 1943. In either event, if the payment of hire for the period commencing from December 1, 1943 made purusant to the Charter as amended by this Addendum are less or more than the amount of hire payable at the rate accepted by the Owner in case the Owner accepts the rate tendered, or are less or more than 75% of the amount tendered by the Charterer to the Owner in case the Owner does not accept the rate tendered, the difference shall be paid, upon demand, by the Charterer to the Owner, or, upon demand, by the Owner to the Charterer, as the case may be.

Fourth. If Clause E, Part I, of the Charter provides for a specific sum as the war risk insurance valuation of the Vessel, or if a specific valuation is provided in an insurance binder, a letter or other document, issued by, or on behalf of, the Charterer, then, (unless otherwise mutually agreed between the Owner and the Charterer) effective upon completion of discharge of the Vessel in a port of the continental United States, excluding Alaska, on the voyage current on December 1, 1943, or if the Vessel be in a port of the continental United States, excluding Alaska, on December 1, 1943, and if discharge of the inward voyage has been completed but loading for the subsequent outward voyage has not yet commenced, then, effective December 1, 1943, or if the Vessel has not returned to a port of the continental United States, excluding Alaska, prior to April 1, 1944, then, effective on April 1, 1944, if the Vessel be in any port on that date, otherwise effective upon the Vessel's arrival at the Vessel's next port of call, the amount of the insurance obligation of the Charterer shall be enlarged or diminished to such amount as would be just compensation for the Vessel under the applicable laws and the Constitution of the United States, or shall be enlarged or diminished to such amount as may be agreed upon as hereinafter provided. Promptly after the announcement by the Advisory Board on Just Compensation appointed by the President by Executive Order No. 9387 of standards, formulae and rules for the guidance of the War Shipping Administrator in determining the just compensation to be paid

for vessels insured by the War Shipping Administrator, the Charterer shall tender to the Owner or publish a statement of the amount of war risk insurance valuation of the Vessel. If the Owner agrees to the valuation so tendered or published and notifies the Charterer of such agreement, such amount shall be deemed to have been agreed to from the effective date pursuant to this paragraph and Clause E of Part I of the Charter shall be deemed amended accordingly. If the Owner does not agree to such valuation within thirty days from the date of tender or publication, the Charterer's aforesaid insurance obligation to pay just compensation for loss of or damage to the Vessel occurring after such effective date shall be subject to such deduction as may be required by law by reason of any reimbursement to the Owner therefor through policies of insurance against such loss or damage.

Fifth. This Addendum may be terminated, amended or modified at any time by mutual written agreement of the parties.

In witness whereof, the Owner has executed this Addendum in quadruplicate the ------ day of ----------, 19----.

By ----------

Attest:

---

or if not incorporated

In the presence of:

Witness

and

Witness

UNITED STATES OF AMERICA,
By E. S. LAND, *Administrator,*
War Shipping Administration.

By ----------

For the Administrator.

Approved as to form:

Assistant General Counsel

FORM NO. 2

Contract No. WSA ------

STEAMSHIP COMPANY.

GENTLEMEN: Reference is made to the requisition by the War Shipping Administrator of your vessel ---------- delivered at the port of -------- on ----------.

The Administrator is presently conducting studies of time charter rates of hire and ship values and is not prepared at this time to tender a charter setting forth the terms which, in his judgement, should govern the relations between the United States and the owner of said vessel and a statement of the rate of hire which in his judgement will be just compensation for the use of said vessel and the services required in connection therewith. However, pending the tender of a requisition charter covering use of your vessel pursuant to the applicable provisions of law, the Administrator is willing to make lump sum payments on account of just compensation for such use and services. Accordingly, the Administrator makes the following offer in connection with the requisition of the above vessel:

(1) Effective from the time of delivery of said vessel, the Administrator agrees to pay to your company, as owners, a sum of ------ dollars per month, and pro rata for any part thereof, as a payment on account of just compensation.

(2) This agreement is made and such amounts shall be paid by the Administrator and accepted by your company without prejudice to the rights of either party under the applicable laws and the Constitution of the United States for the payment of just compensation for the requisitioned use of such vessels and for the services required in connection with such use.

(3) Upon tender to you of a Charter setting forth the terms which, in the Administrator's judgment, should govern the relations between the United States and you and a statement of the rate of hire which, in the Administrator's judgment, will be just compensation for the use of the Vessel and the services required in connection therewith under the terms of such Charter, further payments hereunder shall cease. If the Charter so tendered is executed and delivered by you and the rate of hire so tendered is accepted by you, all payments made under this agreement shall be adjusted and accounted for. If you do not execute and deliver such Charter and accept such rate of hire, such payments shall be applied against the just compensation required to be paid for the requisitioned use of said Vessel and the services required in connection therewith and in either event if the amounts so paid on account are less or more than the amount of hire payable at the rate accepted by the Owner in case the Owner accepts the rate tendered, or are less or more than 75% of the amount tendered by the Charterer to the Owner in case the Owner does not accept the rate tendered, the difference shall be paid, upon demand, by the Charterer to the Owner, or, upon demand, by the Owner to the Charterer, as the case may be.

(4) Unless otherwise mutually agreed, Part II of the Charter to be tendered as aforesaid shall be identical as with the terms and conditions of Part II of the Uniform Time Charter terms and conditions for dry cargo (tank) vessels published in the FEDERAL REGISTER of May 16, 1942, and all the provisions thereof shall govern the operations of the vessel for the period subsequent to the date of delivery above referred to. Without prejudice to the rights of either party under the applicable laws and the Constitution of the United States in the event of loss or damage to the Vessel due to any such risks the Administrator shall pay just compensation for such loss or damage to the extent the person entitled thereto is not reimbursed therefor through policies of insurance against such loss or damage.

(5) This agreement may be terminated, modified or amended at any time by mutual agreement of the parties.

(6) The notice dated October 15, 1943 and published in the FEDERAL REGISTER for October 20, 1943 (8 F.R. 14251) as revised November 24, 1943, and the telegram dated November 1, 1943, sent by the Administrator pursuant to said notice to the Owner, are hereby cancelled and withdrawn in so far as they concern or affect the vessel.

If your company is agreeable to the above mentioned terms and conditions, kindly execute and acknowledge this letter and the attached carbon copies, and return them to this office, retaining that copy marked "Counterpart II" for your files. If your company is a corporation, please affix the corporate seal to the acknowledgment on behalf of your company; if not incorporated, please attest the agreement by obtaining signatures of at least two witnesses.

Very truly yours,
By direction of the Administrator.

Assistant Deputy Administrator
for Fiscal Affairs.

Accepted and acknowledged on behalf of:

By ----------

(Corporate Seal)

FORM NO. 3

ADDENDUM to charter contract No. W. S. A. blank dated blank (herein called the "Charter") between the United States of America (herein called the "Charterer") acting by and through the Administrator, War Shipping Administration and blank, Owner, (herein called the "Owner") for the hire of the MS/SS blank (herein called the "Vessel").

First. The notice dated October 15, 1943, and published in the FEDERAL REGISTER for October 20, 1943, (8 F.R. 14251) as revised November 24, 1943, and the telegram dated November 1, 1943, sent by the Administrator pursuant to said notice to the Owner, are hereby cancelled and withdrawn in so far as they concern or affect the Vessel and the Charter shall remain in full force and effect, except as expressly modified by this Addendum.

Second. The Charterer shall pay hire to the Owner as provided in the Charter, but any such payments for periods subsequent to December 31, 1943, shall be subject to adjustment as hereinafter provided, and shall be made by the Charterer and accepted by the Owner without prejudice to the rights of either party under the applicable laws and the Constitution of the United States for the payment of just compensation for the use of the vessel.

Third. Promptly after the announcement by the Advisory Board on Just Compensation appointed by the President by Executive Order No. 9387 of standards, formulae and rules of Just Compensation, the Administrator, War Shipping Administration, will tender to the Owner a statement of the rate of hire which in the judgment of the Administrator will be just compensation for the use of the Vessel for the period commencing from December 1, 1943. If the rate of hire so tendered is accepted by the Owner, such rate of hire shall be the rate of hire payable under the Charter, for the period commencing from December 1, 1943, and in such event, paragraph C of Part I of the Charter shall be deemed amended accordingly. If the Owner does not accept the rate of hire so tendered within thirty days from the date of tender, the Owner shall be entitled to just compensation under the applicable laws and the Constitution of the United States for the use of the vessel for the period commencing from December 1, 1943. In either event if the payment of hire for the period commencing from December 1, 1943 made pursuant to the Charter as amended by this Addendum are less or more than the amount of hire payable at the rate accepted by the Owner in case the Owner accepts the rate tendered, or are less or more than 75% of the amount tendered by the Charterer to the Owner in case the Owner does not accept the rate tendered, the difference shall be paid, upon demand, by the Charterer to the Owner, or, upon demand, by the Owner to the Charterer, as the case may be.

Fourth. If Clause E, Part I, of the Chapter provides for a specific sum as the war risk insurance valuation of the Vessel, or if a specific valuation is provided in an insurance binder, a letter or other document, issued by, or on behalf of, the Charterer, then (unless otherwise mutually agreed between the Owner and the Charterer) effective upon completion of discharge of the Vessel in a port of the continental United States, excluding Alaska, on the voyage current on January 1, 1944, or if the Vessel be in a port of the continental United States, excluding Alaska, on January 1, 1944, and if discharge of the inward voyage has been completed but loading for the subsequent outward voyage has not yet commenced, then, effective January 1, 1944, or if the Vessel has not returned to a port of the continental United States, excluding Alaska, prior to April 1, 1944, then, effective on April 1, 1944, if the Vessel be in any port on that date, otherwise effective upon the Vessel's arrival at the Vessel's next port of call, the amount of the insurance obligation of the Charterer shall be enlarged or diminished to such amount as would be just compensation for the vessel under the applicable laws and the Constitution of the United States, or

shall be enlarged or diminished to such amount as may be agreed upon as hereinafter provided. Promptly after the announcement by the Advisory Board on Just Compensation appointed by the President by Executive Order No. 9387 of Standards, formulae and rules for the guidance of the War Shipping Administrator in determining the just compensation to be paid for vessels insured by the War Shipping Administrator, the Charterer shall tender to the Owner or publish a statement of the amount of war risk insurance valuation of the Vessel. If the Owner agrees to the valuation so tendered or published and notifies the Charterer of such agreement, such amount shall be deemed to have been agreed to from the effective date pursuant to this paragraph and Clause E of Part I of the Charter shall be deemed amended accordingly. If the Owner does not agree to such valuation within thirty days from the date of tender or publication, the Charterer's aforesaid insurance obligation to pay just compensation for loss of or damage to the Vessel occurring after such effective date shall be subject to such deductiton as may be required by law by reason of any reimbursement to the Owner therefor through policies of insurance against such loss or damage.

Fifth. This Addendum may be terminated, amended or modified at any time by mutual written agreement of the parties.

In Witness Whereof, the Owner has executed this Addendum in quadruplicate the ------ day of ----------, 19----.

By ----------

UNITED STATES OF AMERICA,

By E. S. LAND, *Administrator*
War Shipping Administration.

By ----------
For the Administrator

As to execution for Owner

---

or if not incorporated

In the presence of:

(Witness)

and

(Witness)

Approved as to form:

Assistant General Counsel

FORM No. 4

Contract No. WSA ------

STEAMSHIP COMPANY.

GENTLEMEN: Reference is made to the requisition by the War Shipping Administrator of your vessel ---------- delivered on ---------- bare-boat basis at the port of ---------- on ----------.

The Administrator is presently conducting studies of bareboat charter rates of hire and ship values, including a revised form of bareboat charter and is not prepared at this time to tender a charter setting forth the terms which, in his judgment, should govern the relations between the United States and the owner of said vessel and a statement of the rate of hire which in his judgment will be just compensation for the use of said vessel. However, pending the tender of a requisition charter covering use of your vessel pursuant to the applicable provisions of law, the Administrator is willing to make lump sum payments on account of just compensaton for such use of your vessel. Accordingly, the Administrator makes the following offer in connection with the requisition of the above vessel:

(1) Effective from the time of delivery of said vessel, the Administrator agrees to pay to your company, as owners, a sum of ------ dollars per month, and pro rata for any part thereof, as a payment on account of just compensation.

(2) This agreement is made and such amounts shall be paid by the Administrator and accepted by your company without prejudice to the rights of either party under the applicable laws and the Constitution of the United States for the payment of just compensation for the requisitioned use of such vessel.

(3) Upon tender to you of a Charter setting forth the terms which, in the Administrator's judgment, should govern the relations between the United States and you and a statement of the rate of hire which, in the Administrator's judgment, will be just compensation for the use of the Vessel under the terms of such Charter, further payments hereunder shall cease. If the Charter so tendered is executed and delivered by you and the rate of hire so tendered is accepted by you, all payments made under this agreement shall be adjusted and accounted for. If you do not execute and deliver such Charter and accept such rate of hire, such payments shall be applied against the just compensation required to be paid for the requisitioned use of said Vessel and in either event if the amounts so paid on account are less or more than the amount of hire payable at the rate accepted by the Owner in case the Owner accepts the rate tendered, or are less or more than 75% of the amount tendered by the Charterer to the Owner in case the Owner does not accept the rate tendered, the difference shall be paid, upon demand, by the Charterer to the Owner, or upon demand, by the Owner to the Charterer, as the case may be.

(4) Unless otherwise agreed, it is understood and agreed that the Administrator will assume and insure you against all risks of loss or damage to the Vessel of whatsoever nature or kind, and all liabilities of whatsoever nature or kind arising out of or in connection with the use of the Vessel under the requisition, effective from the time of her delivery until the time of her redelivery. Without prejudice to the rights of either party under the laws and the Constitution of the United States, in the event of loss or damage to the Vessel due to any such risks the Administrator shall pay just compensation for such loss or damage to the extent the person entitled thereto is not reimbursed therefor through policies of insurance against such loss or damage.

(5) This agreement may be terminated, modified or amended at any time by mutual agreement of the parties.

(6) The notice dated October 15, 1943 and published in the FEDERAL REGISTER for October 20, 1943 (8 F.R. 14251) as revised November 24, 1943, and the telegram dated November 1, 1943, sent by the Administrator pursuant to said notice to the Owner, are hereby cancelled and withdrawn in so far as they concern or affect the vessel.

If your company is agreeable to the above mentioned terms and conditions, kindly execute and acknowledge this letter and the attached carbon copies, and return them to this office, retaining that copy marked "Counterpart II" for your files. If your company is a corporation, please affix the corporate seal to the acknowledgement on behalf of your company; if not incorporated, please attest the agreement by obtaining signatures of at least two witnesses.

Very truly yours,
By Direction of the Administrator.

---,
Assistant Deputy Administrator
for Fiscal Affairs.

Accepted and acknowledged on behalf of

By ----------
(Corporate Seal)

[F. R. Doc. 43-18913; Filed, November 25, 1943; 10:52 a. m.]